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ABSTRACT

Hearings on the reports of the U.S. Commission on Civil Rights on the education of the Spanish-speaking were held on June 8 and 14, 1972. The Civil Rights Commission documented in its reports the effects of educational policies which have simultaneously forced ethnic isolation and Anglo conformity upon Mexican American and Puerto Rican students. Included are testimonies by members of the Civil Rights Commission concerning the education of Spanish-speaking children. Some of the areas covered by the testimony follow: (1) Chicano pupils achieve less well than Anglo students; (2) the school systems of the Southwest have not recognized the culture and the tradition of Mexican Americans and have not adopted policies and practices that would enable Mexican American children to participate fully in the educational process; (3) more than 400,000 Chicano pupils throughout the Southwest attend schools in predominantly Mexican American districts; (4) Puerto Rican children constitute a relatively large minority in urban school systems plagued by racial imbalance, tight budgets, and outmoded school buildings in the Northeast and Midwest cities; and (5) statistical evidence demonstrates the failure of the schools in the Southwest to reach and properly educate the Chicano student. Related documents are ED 052 849, ED 056 821, and ED 062 069. (FF)

EDUCATION OF THE SPANISH SPEAKING

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HEARINGS

BEFORE THE

CIVIL RIGHTS OVERSIGHT SUBCOMMITTEE
(SUBCOMMITTEE NO. 4)

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

ON

REPORTS OF THE U.S. COMMISSION ON CIVIL RIGHTS ON THE EDUCATION OF THE SPANISH SPEAKING

JUNE 8 AND 14, 1972

Serial No. 35

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CONTENTS

	Page
Hearings held on—	
June 8, 1972	1
June 14, 1972	37
Testimony of—	
Hays, Dick W., Assistant Commissioner for Special Concerns, U.S. Office of Education	74
Nunez, Louis, Acting Deputy Staff Director, U.S. Commission on Civil Rights	16
Pottinger, J. Stanley, Director, Office for Civil Rights, Department of Health, Education, and Welfare	38
Ruiz, Hon. Manuel, member, U.S. Commission on Civil Rights; accompanied by Louis Nunez, Acting Deputy Staff Director; John H. Powell, Jr., Counsel; and Martin Sloane, Assistant Staff Director, Office of Civil Rights Program and Policies	4
Correspondence and other materials—	
Badillo, Hon. Herman, a Representative in Congress from the State of New York, letter to Hon. Don Edwards, June 7, 1972	3
Budget Analysis for ESEA, title VII, fiscal year 1972	88
"Equal Access to Educational Opportunity," Office for Civil Rights, Jan. 4, 1971	43
"Identification of Discrimination and Denial of Services on the Basis of National Origin," memorandum, Department of Health, Education, and Welfare, May 25, 1970	39
Office for Civil Rights, "Affirmative Action Program"	92
* Appendix—	
Reports of the U.S. Commission on Civil Rights:	
Report I: Ethnic Isolation of Mexican Americans in the Public Schools of the Southwest, April 1971	105
Report II: The Unfinished Education, October 1971	204
Report III: The Excluded Student, May 1972	304

* Appendix deleted because Reports are already available through ERIC Document Reproduction Service (EDRS):

Report I ED 052849
Report II ED 056821
Report III ED 062069

EDUCATION OF THE SPANISH-SPEAKING

THURSDAY, JUNE 8, 1972

HOUSE OF REPRESENTATIVES,
CIVIL RIGHTS OVERSIGHT SUBCOMMITTEE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:10 a.m., in room 2237, Rayburn House Office Building, Hon. Don Edwards of California (chairman of the subcommittee) presiding.

Present: Representatives Edwards, Wiggins, and Keating.

Also present: Jerome M. Zeifman, counsel; Samueal A. Garrison III, associate counsel; George A. Dalley, assistant counsel.

Mr. EDWARDS. The subcommittee will come to order.

This morning the Civil Rights Oversight Subcommittee begins its hearings on the reports of the U.S. Commission on Civil Rights on the education of the Spanish-speaking.

We are honored this morning by having as guest for a few minutes a colleague of mine from California who came into Congress with me 10 years ago, the most distinguished Congressmen from Los Angeles, Mr. Ed Roybal, who will introduce one of our witnesses.

Mr. ROYBAL. Thank you, Mr. Chairman. I wish to express my appreciation to you for permitting me to introduce to this committee a very old friend of mine, a man who has been active in the field of civil rights for many years. He attended the University of Southern California and in 1930 was the first Mexican American to receive a law degree from that institution. Mr. Ruiz helped establish the Citizens Committee for Latin-American Youth, which was the forerunner of the Los Angeles Human Relations Commission. During the so-called "zoot suit" riots in Los Angeles, it was then I met Mr. Ruiz, I was a public health official and was working in the field of communicable diseases and was assigned to Los Angeles during the time of the riots and had the opportunity of working with our guests this morning on many occasions.

I saw then his dedication to youth and to the Spanish-speaking community of Los Angeles and later as the years went on I saw again the great dedication that he has—again to youth and to the Mexican American community of the United States, enlarging upon that and including all Spanish-speaking people in this Nation.

Our guest this morning, Mr. Manuel Ruiz, Jr., has been active in the field of politics. He has been a member of the Mexican American Political Association. This, Mr. Chairman, is an organization of Mexi-

can Americans in California and various other States that is in fact bipartisan. It is not an organization that devotes all of its activities to either the Democratic or Republican party.

Mr. Ruiz happens to be a Republican but again his main interest has been the promotion of the best interests of the Spanish-speaking and the oppressed in the Nation and he has done a tremendous job as a member of that organization and various other organizations of which he is a member in promoting the best interests of these people.

It then gives me a great deal of pleasure, Mr. Chairman, and with a great deal of pride I wish to present to you and the members of this committee a very dear friend, Mr. Manuel Ruiz, Jr.

Mr. EDWARDS. Thank you very much, Mr. Roybal, and Mr. Ruiz, we are delighted to have you here. It has been a pleasure to work for more than 10 years with Mr. Roybal with the important causes he has devoted himself to because there is no more energetic champion for the oppressed and for the Spanish-speaking people of the United States. Congressman Roybal must now be off to an Appropriations Committee meeting where I hope your committee will again take a long look at the miniscule amounts of money being appropriated by the U.S. Government for second language education and bilingual education in trying to cure so many of the things that are going to be brought out in the testimony this morning. It is really not a very good indication of a great people when in the morning's paper I read that we are going to spend $8.5 billion on two ABM sites and where the testimony not only of these witnesses but the reports of the Civil Rights Commission indicates that a paltry few millions of dollars per year will go to bilingual education and for the desegregation of some of the schools in the Southwest.

Mr. RUIZ. For purposes of the record, I would like to thank Congressman Roybal for his presence here. It was a very pleasant surprise. I did not expect to see him. As he stated, although he is a registered Democrat and I am a registered Republican, I have always referred to him as my favorite Congressman.

Mr. ROYBAL. Thank you, Mr. Chairman.

Mr. EDWARDS. The U.S. Commission on Civil Rights has had a continuing Mexican American education study project since its 1968 hearings in San Antonio, Tex., on the problems encountered by Mexican-Americans in the Southwest. The education problems which were brought to light during that hearing led the Commission to make a survey in the spring of 1969 of Mexican American education in the five southwestern States of Arizona, California, Colorado, New Mexico, and Texas. Questionnaires were sent to the superintendents of all 538 school districts in this five-State area with an enrollment of more than 10 percent Spanish-surnamed students. Other questionnaires were sent to 1,160 principals in elementary and secondary schools within the sample districts. The statistics derived from the questionnaires have been augmented by investigations conducted by the Commission's Mexican American education study staff, resulting in the most comprehensive survey ever made of the educational problems of Mexican Americans in the Southwest.

The Civil Rights Commission has documented in its reports the harmful effects of educational policies which have simultaneously forced ethnic isolation and Anglo conformity upon Mexican American students and Puerto Rican students.

There is an equally harmful effect upon society as a whole from this continuing failure to recognize and accept the diversity of our multiracial, multicultural society.

The subcommittee had invited, through our distinguished chairman Emanuel Celler of New York, Henry M. Ramirez, chairman of the Cabinet Committee on Opportunities for Spanish-Speaking people, to appear and give testimony on this very important subject. I regret to say, and am somewhat at a loss to understand how, Mr. Celler could receive a letter from Mr. Ramirez dated May 31, 1972, stating as follows:

"Dear Congressman Celler:

"I am sorry I will be unable to appear and testify before your subcommittee on Thursday, June 8, 1972 at 10 a.m. I will be out of town during those hearings.

I hope we can hear more from Mr. Ramirez regarding the reason why he does not seem to consider these hearings worthy of his personal presence. The subcommittee really would like to get the views of this supposedly important Cabinet committee on these very important subjects we are discussing.

Mr. RUIZ. With respect to Mr. Ramirez, I telephoned his office yesterday. He is ill, sick in bed and not attending his office. I simply wanted to add that.

Mr. EDWARDS. Thank you very much, Mr. Ruiz.

I also have a letter from the distinguished Congressman from the 21st District of New York, Mr. Herman Badillo, which will be placed in the record at this point.

(The letter referred to follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 7, 1972.

Hon. DON EDWARDS,
Chairman, Civil Rights Oversight Subcommittee, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am very pleased to learn that Mr. Louis Nunez, the new Deputy Staff Director of the U.S. Commission on Civil Rights, will be testifying before your Subcommittee tomorrow morning on the problems of discrimination in education. I very much regret that previous commitments make it impossible for me to be with you but I commend you for inviting Mr. Nunez to testify.

I have had the pleasure of knowing and working with Lou Nunez for a good many years and I am especially delighted that he has recently joined the government service. It is appropriate that he has been appointed to the highest ranking position in the Federal Government attained by a mainland Puerto Rican as he leaves behind him an outstanding and distinguished career as the National Executive Director of Aspira of America.

It is especially appropriate that Lou should be addressing himself to the subject of discrimination in education as this is something against which he has fought and worked for many years. During his service with ASPIRA he was at the forefront of the efforts to secure full and equal educational opportunities for Puerto Rican students throughout the country.

I am confident the Civil Rights Oversight Subcommittee will gain a great deal from Mr. Nunez's testimony and urge that it be given the most careful consideration.

Sincerely,

HERMAN BADILLO,
Member of Congress.

Mr. EDWARDS. We will also include in the record at this point without objection, my own introductory remarks for Mr. Louis Nunez. Mr. Nunez, who has just come to the Commission, was formerly

national executive director of Aspira, Inc. He is a member of the steering committee of the National Urban Coalition, a former member of the New York City Board of Higher Education and a member of the board of directors of the National Reading Council, and the National Center for Voluntary Action.

Mr. Nunez has participated in the development of the Puerto Rican Forum and serves on its board of governors.

(The statement referred to follows:)

INTRODUCTORY REMARKS FOR LOUIS NUNEZ

Mr. Manuel Ruiz is accompanied by Louis Nunez, Acting Deputy Director of the United States Commission on Civil Rights. Mr. Nunez, who has just come to the Commission was formerly National Executive Director of Aspira of America, Inc., a non-profit organization dedicated to educational and leadership development for Puerto Ricans. Mr. Nunez is a member of the Steering Committee of the National Urban Coalition, a former member of the New York City Board of Higher Education, and a member of the Board of Directors of the National Reading Council, and the National Center for Voluntary Action. Mr. Nunez was born in New York's East Harlem and grew up in the East Bronx. He graduated in 1953 from the Baruch School of Business Administration of the City University of New York. He has done graduate work in the fields of education and public administration at the City University and at New York University.

Mr. Nunez participated in the development of the Puerto Rican Forum and serves on its Board of Governors.

Mr. Nunez, we welcome you this morning and look forward to receiving your testimony.

Mr. EDWARDS. Mr. Nunez and Mr. Ruiz, we welcome you both. You may come to the witness table and present your testimony. Please introduce the gentleman accompanying you.

TESTIMONY OF HON. MANUEL RUIZ, MEMBER, U.S. COMMISSION ON CIVIL RIGHTS; ACCOMPANIED BY LOUIS NUNEZ, ACTING DEPUTY STAFF DIRECTOR; JOHN H. POWELL, JR., COUNSEL; MARTIN SLOANE, ASSISTANT STAFF DIRECTOR, OFFICE OF CIVIL RIGHTS PROGRAM AND POLICIES

Mr. RUIZ. On my right is General Counsel of the U.S. Civil Rights Commission, Mr. John Powell, next to Mr. Powell is Mr. Nunez whom you made reference to and to my left is Mr. Sloane, who is the head of the Department involved in this matter as a member of staff.

Mr. EDWARDS. The subcommittee welcomes you, gentlemen.

I believe, Mr. Nunez and Mr. Ruiz, you have statements to make.

Mr. RUIZ. Yes, sir.

Mr. EDWARDS. You may proceed.

Mr. RUIZ. With the chairman's permission, I will speak first. I feel very much at home. There are two counsels, two attorneys, and the chairman from my home State.

Note will be taken that there is a written statement that has been filed.

Mr. EDWARDS. That will be printed in the record in full.

(The statement of Mr. Ruiz follows:)

STATEMENT OF HON. MANUEL RUIZ

ACHIEVEMENT

The Commission sought to establish how well the schools of the Southwest are meeting their responsibilities to provide a full education to Mexican American students. The basic finding was that Chicano children do not obtain the benefits of public education at a level equal to that of their Anglo classmates, whatever the measure of school achievement.

Without exception, Chicano pupils achieve less well than Anglos. Their dropout rate is higher, their reading achievement lower, their repetition of grades more frequent, their overageness for grades more prevalent, their participation in extracurricular activities considerably less.

Perhaps no measure of school achievement so vividly conveys the school's failure to educate the Chicano than its inability to keep him in school. The Commission estimates that of every 100 Chicano youngsters in the Southwest who enter the first grade, only 60 will graduate from high school. In contrast 86 of every 100 Anglo children will receive their high school diploma.

What of those who do make it through high school—in a sense, the elite? How does their later educational experience compare with that of their Anglo fellow graduates? Here too, they fare less well. The Commission found that 37 percent of the Chicano high school graduates enter college, whereas 57 percent of the Anglos do so. The highest proportion of Chicanos entering college is found in California. In that State, slightly more than 4 of every 10 go on to college. By contrast, in Colorado only 2 of every 10 do so.

School holding power represents only a quantitative measure of school effectiveness. It does not measure the quality of education a child receives while in school. Reading achievement has traditionally been recognized as an important key to success and progress in other academic subjects. The ability to read is perhaps the most crucial skill learned in school.

Schools of the Southwest have not performed as well in teaching Chicano children to read as they have Anglos. At the fourth, eighth and twelfth grades the proportion of Mexican American students reading below grace level is generally twice as large as that of Anglos. Further, reading retardation worsens the longer the Chicano youngster remains in school. In the fourth grade, about one half are reading below grade level. By the twelfth grade, 63 percent are.

The ability of schools to hold Mexican Americans in school and to teach them to read were not the only measures of educational effectiveness examined by the Commission. We also looked at grade repetition and its correlate overageness. Overall, Chicanos in Southwest schools are almost three times as likely to repeat the first grade as are Anglos. The highest incidence of grade repetition for Mexican Americans is in Texas, where 22 percent repeat the first grade.

As a result of the practice of holding students back in a grade, a large proportion of Chicano children throughout the Southwest are two or more years overage for their grade level. At the first grade, Mexican American children are four times as likely to be overage as Anglos. At the eighth grade, eight times as many Chicanos as Anglos are overage.

In its mail survey, the Commission sought information on the ethnic composition of participants in extracurricular activities, such as student government, school newspapers, homecoming events and cheerleading. In the schools surveyed, the Commission found that Mexican Americans are by and large underrepresented in these activities. This is true whether Chicanos constitute a majority or a minority of the student enrollment at the school.

LANGUAGE AND CULTURAL EXCLUSION

Thus, by all measures of school achievement, Chicano children are getting less out of school than Anglos. Why is this so? Why are the schools failing in their responsibilities to this important group of children? The Commission is still seeking the answer to this crucial question. One answer we already have found is the failure of the schools to adopt programs and practices geared to the unique linguistic and cultural background of Mexican Americans. Rather, the Commission has found that they rigidly exclude Chicano culture.

In its most obvious form this exclusion involves the prohibition of the use of Spanish. Less obviously, but just as effectively, the Chicano child's historical roots, the community of which he is a part, and his very identity are all undervalued. In its survey, the Commission sought out objective data concerning these charges. Our third report details the Commission's findings.

Basically the Commission found that the school systems of the Southwest have not recognized the rich culture and tradition of Mexican Americans and have not adopted policies and practices that would enable their children to participate fully in the educational process. Instead, Southwestern schools use a variety of exclusionary devices which prohibit the child the use of his language, diminish his pride in his heritage, and deny him support from his community.

There is much evidence of widespread belief among Southwestern educators that a child who happens to speak Spanish is somehow educationally handicapped. For many Mexican American children, Spanish is their first language. Based on the responses to the principal's questionnaire the Commission calculated that approximately one of every two Chicano first graders do not speak English as well as the average Anglo first grader.

Instead of appreciating the difficulty facing the Chicano child many educators in the Southwest respond by imposing a "No Spanish" rule to insure the dominance of English in the classroom and on the school ground. Slightly less than one-third of all schools in the survey area discourage the use of Spanish in the classroom. About one half of these schools, 15 percent of the total, discourage its use on the school grounds as well.

A comparison among the States presents sharp contrasts in the frequency of the use of the "No Spanish" rule. In both elementary and secondary schools, in the classrooms and on school grounds, Texas leads in prohibiting Spanish. Two-thirds of all surveyed Texas schools discouraged the use of Spanish in the classroom and slightly more than a third did so on the school grounds. In California the "No Spanish" rule was rarely used on the school grounds and less than one fifth of its schools indicated its use in the classrooms.

How do the schools enforce the "No Spanish" rule? In most instances principals admitted to suggesting or requiring staff to correct those who spoke Spanish. A number of schools admitted punishing persistent Spanish speakers.

Several programs are available to meet the English language difficulty of Chicanos. The three most important and widely used in schools surveyed by the Commission were Bilingual Education, English as a Second Language, and Remedial Reading.

Bilingual Education is the use of two languages, one of which is English, as means of instructing the same pupil population. It encompasses part or all of the curricula and includes the study of history and culture associated with the mother tongue.

What efforts have the school systems of the Southwest made to bring Bilingual Education to the children of their schools? What support have these programs received from the Federal Government? The picture is dismal. For the current 1971–72 school year, HEW statistics show that Title VI bilingual programs reach only a very small proportion of the Chicago school-age population as well as the Spanish speaking school-age population generally. In 1971–72 HEW received an appropriation of $25 million to fund 163 Bilingual Education projects in the entire United States, of which 144 were for the Spanish speaking. These 144 projects reached less than 1 of every 50 Spanish speaking children, 3 to 18 years of age in the U.S. In the Southwest, projects were provided for less than 2 percent of an estimated 3 million Mexican American children in that age category.

On May 25, 1970, HEW issued a memorandum to districts instructing them to take affirmative steps to rectify language deficiency for national minority origin students. Yet, only 41 districts with significant Spanish speaking enrollment have been or are in the process of being investigated by HEW for compliance under Title VI. Further, the relatively small expenditure of Federal funds for Bilingual Education and the limitation of bilingual programs to small scattered pilot projects belie a strong Federal commitment to rectification of language deficiency.

English as a Second Language (ESL) is a program designed to teach English language skills without the presentation of related cultural material. According to Commission statistics, an estimated 5.5 percent of the Mexican American pupils in the Southwest are receiving some type of ESL instruction.

Remedial reading is a long established educational method to help all students who are reading below grade level. It focuses on reading achievement rather than language deficiency. Nevertheless, because of its strictly monolingual approach it receives much better acceptance by educators than either Bilingual Education

or ESL, as witnessed by the fact that 50 percent of the public schools in the survey area offer remedial reading courses. Even so, only slightly more than 10 percent of the Mexican American pupils in these schools were enrolled in these courses.

An exclusionary practice that is more subtle than suppression of the use of Spanish is adherence to established curricula which prevent the inclusion of such elements as Mexican American history, heritage and folklore. The Commission found that the curriculum in almost all schools surveyed fails to inform either Anglo or Mexican American students of the substantial contribution of the Indo-Hispanic culture to the historical development of the Southwest. Commission figures for total pupil enrollment in Mexican American History courses at the elementary and secondary level is 1.3 and 0.6 percent, respectively.

School officials in the Southwest also exclude the heritage in school and classroom activities. To the extent that these activities deal with Mexican American culture, they tend to stress the superficial and exotic elements—the "fantasy heritage" of the region. This results in the reinforcement of existing stereotypes and deprives the Chicano student of full awareness of, and a pride in his cultural heritage.

The failure of schools to involve the Mexican American community in the educational process is another form of cultural exclusion which is widespread. In order to determine the extent to which the school is seeking to include the Mexican American community, the study examined four areas of community-school affairs: contacts with parents, community advisory boards, community relations specialists and consultants on Mexican American education.

Notices sent home and PTA meetings are the means most frequently used by school officials and teachers to communicate with parents. Although about three-fourths of the total Mexican American population in the Southwest identify Spanish as their mother tongue, only 25 percent of the elementary and 11 percent of the secondary schools send notices in Spanish to Spanish speaking parents.

The Commission also found that approximately 8 percent of the surveyed elementary schools and about 2 percent of the secondary schools used Spanish in conducting PTA meetings.

These data indicate that a large proportion of the population has been automatically excluded from participation in school affairs, a clear violation of the Civil Rights Act of 1964 according to the HEW memorandum of May 25, 1970.

Another technique for involving the Chicano community in the problems of the school is the use of community advisory boards on Mexican American educational affairs. These boards are normally composed of persons chosen for their ability to reflect and articulate community needs and views. Yet only one district in four in the survey area actually has such a board.

Community relations specialists may be called in when contacts with parents and the use of community advisory boards prove unsuccessful in establishing free communications between the school and community. However, about one district in six of those surveyed employed community relations specialists.

In their continuing effort to improve the quality of education, school districts spend hundreds of thousands of dollars annually for the services of consultants. In recent years a growing number of specialists or consultants on Mexican-American education have developed in the Southwest. Yet, in spite of their availability, specialists in Mexican American educational affairs are seldom employed by school districts in the region.

Cultural exclusion is a reality in the schools of the Southwest. Until practices and policies conducive to full participation of Mexican Americans in the educational process are adopted, equal opportunity in education is likely to remain more myth than reality for the Chicano student.

ETHNIC ISOLATION

In its Spring 1969 survey, the Commission found that a large proportion of Chicano pupils attend school in isolation from their Anglo counterparts. This is due, in part, to the segregation of Mexican Americans and Anglos in separate school districts. More than 400,000 Chicano pupils throughout the Southwest attend school in predominantly Mexican American districts. In Texas, where isolation by district is most severe, nearly 60 percent of Chicano students are in districts in which their own ethnic group predominates.

The heavy concentration of Mexican American people in South Texas is one factor contributing to isolation by district. Thus, segregation of Chicano students can be attributed, to some extent, to mere demography—in short, "natural causes." But "natural causes" do not entirely explain the matter. For in South Texas, as

elsewhere in the Southwest, it is not uncommon to find a district that is almost entirely Chicano sitting next to one that is almost completely Anglo. The presence of neighboring districts of such contrasting ethnic composition may have resulted from deliberate segregation in violation of the Constitution and Title VI of the Civil Rights Act of 1964.

The Department of Health, Education, and Welfare (HEW) has not taken a very aggressive role in investigating the possibility of such violations. To the Commission's knowledge, in only one instance has HEW investigated the possibility of civil rights violations in the isolation of Mexican Americans by district. To the extent HEW has undertaken any activities concerning segregation of Mexican Americans, they have been directed toward alleviation isolation by school within individual districts. Nor have these efforts proven effective in reducing the proportion of Mexican Americans who are in ethnically isolated schools. In 1968, 54.1 percent of all Mexican American students in the Southwest attended predominantly minority schools. By 1970 that proportion had increased slightly to 54.6 percent.

More recently, there has been evidence of greater HEW concern over educational opportunities for Chicano students. On May 25, 1970, the Department issued a memorandum clarifying the responsibilities of school districts to provide equal opportunity to national origin minority children deficient in English language skills in order to be in compliance with Title VI of the Civil Rights Act of 1964. Among HEW's major areas of concern were practices that would tend to segregate Mexican Americans within school walls, including ability grouping, tracking, and placement in classes for the educable mentally retarded.

Unpublished data from the Commission's survey underscores the need for intensive Federal effort to combat this kind of segregation. As of 1969, a year before issuance of the May 25 memorandum, about 4 of every 6 schools in the Southwest practiced some form of ability grouping. One of every six schools placed students in one ability group for all subjects. Further, the proportion of Mexican Americans in EMR classes was about twice that of Anglos.

Since issuance of the May 25 memorandum HEW, has, or is in the process of conducting compliance reviews in 41 districts having Spanish-speaking enrollments. Twenty-two of these districts are in Texas. However, there are more than 2,900 districts in the Southwest. In view of the extent Chicanos are isolated by district, by school, and even within schools, HEW's efforts to date represent a very small drop in a very large bucket.

HEW's Office of Civil Rights has been reluctant to take affirmative steps to compel compliance in cases of civil rights violations. Investigations conducted with the hope of securing voluntary compliance have often been exercised in futility. For example, in its 1968 hearing in San Antonio, Texas, the Commission heard testimony on the segregation of Mexican Americans by district in Del Rio, Texas. Anglo children from an air force base located in San Felipe School District, which is predominantly Mexican American, were being bused from San Felipe to the neighboring Del Rio School District, which is predominantly Anglo. Despite the fact that the San Antonio and the Del Rio School District facts had been brought to the attention of HEW as early as 1969, and even though HEW a year later, on May 25, 1970, issued a memorandum urging school districts to examine current practices and to assess compliance procedures, it was not until 1971 that HEW conducted compliance reviews in the two districts of San Antonio and Del Rio. Before HEW had made much progress in negotiating a remedy, a U.S. District Court judge ordered the two districts to consolidate. The Commission fully supports the guidelines contained in the May 25 memorandum. As we have learned from experience in other parts of the country, however, school segregation will not be overcome solely by the issuance of memoranda or other pieces of paper. It will yield only to careful monitoring and firm enforcement.

REPRESENTATION OF MEXICAN AMERICANS IN THE EDUCATIONAL PROFESSION

The Commission's survey not only documents the extent to which Chicanos are ethnically isolated but also their underrepresentation in the educational profession.

Among classroom teachers, only about 4 percent are Chicanos, whereas about 18 percent of the region's enrollment is of this ethnic group. Moreover, most of these teachers are in schools in which the majority of the pupils are Chicanos. Full one-third of the teachers are in schools whose enrollments are 80 percent Mexican American or more.

Nor does the Chicano have much of a chance to shape the policy of school systems in the Southwest. He is, as you might expect, underrepresented on boards of education. Of 4600 school board members in the area surveyed by the Com-

mission, 470 (or about 10 percent) are Chicanos. Nearly 70 percent of these Mexican American policy makers serve on boards of education where the majority of pupils are of Mexican origin. About a third are in districts that are 80 percent Chicano or more.

Mr. Chairman, the facts the Commission has found so far concerning the education, or mis-education, of Mexican American children are cause for national concern. The educational status quo in the Southwest is unacceptable. It is unacceptable when four of every ten Chicano children do not graduate from high school. It is unacceptable when well over half of the Mexican American school children are reading below grade level. The disheartening fact is that these children are not being equipped with even the most rudimentary tools by which they can hope to succeed in later life. For Chicano children, the term equal educational opportunity is a slogan without substance.

Let us be clear on one point. It is not the children who are failing. It is the schools. The Commission is in the process of trying to find out the reasons why the schools of the Southwest are failing our children.

In a report we issued last month, the Commission pinpointed one important reason—suppression of the cultural heritage of Mexican American children. Use of the Spanish language is prohibited. Mexican American history and tradition are ignored, and the parents of Mexican American school children are excluded from participation in school affairs. These various practices add up to a comprehensive pattern of cultural exclusion which can only have the effect of undermining the Chicano child's confidence in the value of his ethnic background and of his own inherent worth. In a Nation which has been enriched by the contributions of people from so many diverse cultures, these practices should be unthinkable. Yet they continue to exist.

The primary responsibility for education lies with the States. The Federal Government, too, has a responsibility, through laws aimed at preventing discrimination against school children and through programs of financial assistance to help the States provide quality education. If the States are failing to meet their responsibility to Mexican American students in the Southwest, so too is the Federal Government. Despite commendable policy announcements prohibiting discrimination, the Federal Government has done little to end discrimination in fact. Segregation of Chicano students has actually increased over the last several years. Practices declared by the Department of Health, Education and Welfare to be in violation of the Civil Rights Act of 1964 continue unabated. Moreover, Federal aid programs geared to the needs of Mexican American students have been starved for funds and have reached few of the children in need.

In the course of our study, we have urged the States and local school boards to examine their own practices, to recognize their own inadequacies, and to reform themselves. This, however, is not enough. What is needed is action on a national level—not a mere tinkering with the existing educational machinery, but massive new programs of civil rights enforcement and financial assistance to enable the schools of the Southwest to provide at long last, true equality of educational opportunity to Chicano students.

Mr. RUIZ. I would like to offer that as an exhibit for the record In addition to that I have prepared a summary. The reason for that is in the first statement we are getting to hard statistics and facts and my statement will only refer to the summary and some observations that I have made with respect to the report.

On behalf of the U.S. Commission on Civil Rights, I wish to express our appreciation for inviting the Commission to testify on the subject of the education of the Spanish speaking.

In recent years the Commission has been engaged in important investigations on this subject. With your permission I shall confine my remarks to the work we have done with respect to Mexican Americans, and Mr. Nunez, the Commission's acting deputy staff director, will speak on the educational problems confronting Puerto Ricans.

The Commission is nearing completion of one of the most ambitious undertakings in its history. For 3 years, we have been conducting an intensive investigation of the educational problems of Mexican

Americans in the Southwestern part of the United States. This project ultimately will consist of six reports dealing with the unequal educational opportunity for the Nation's second largest minority group. Three reports have already been published, and I shall base most of my remarks on the findings they contain.

These studies deal, respectively, with the school achievement of Mexican-American schoolchildren and the degree to which the school systems in the Southwest recognize and seek to meet their linguistic and cultural needs, and the extent of their ethnic isolation.

A fourth report, near completion, deals with school finance in Texas.

This is a problem that is intriguing the entire United States in relation to a Supreme Court decision as recently as last week. It documents inequities in district school finance, by the ethnic composition and wealth of the district.

A fifth report will be based on an investigation of what goes on inside the classrooms of the schools of the Southwest—how teachers interact with Mexican-American students.

The data for all reports is based on an extensive mail survey of schools and districts in the Southwest conducted by the Commission in 1969, plus staff field trips and followup investigations conducted since that time.

The Commission is only in midjourney in its investigation of the educational problems of Mexican Americans. In the three reports we already have issued, we have tried to define the nature and extent of educational inequities experienced by Mexican-American children. We are not yet in a position to offer a complete comprehensive set of recommendations for remedial action. Already, however, the evidence suggests violations of existing civil rights laws and a need for more vigorous enforcement action by relevant Federal agencies, and the urgent necessity of Federal aid that can help bring Mexican-American children and their parents into the mainstream of the educational process. Later in my statement I will address myself to some of the measures we believe need to be taken. When our study is completed, the Commission hopes to be in a position to offer definitive recommendations of a more comprehensive nature.

A brief description of the size and distribution of the Mexican American enrollment may be helpful in placing the study in appropriate context. There are an estimated 2.3 million Spanish surnamed pupils in the United States. They represent about 5 percent of our total public school enrollment. Of these Spanish-surnamed pupils, about 1.5 million are Mexican Americans who attend public school in the five Southwestern States—that is Arizona, California, Colorado, New Mexico, and Texas. In that region, Chicano students comprise 18 percent of the enrollment. That is almost one-fifth—more than 80 percent are found in Texas and California, with nearly 50 percent in California alone.

One oftentimes hears the expression directed to a Mexican American. "Why don't you go back to where you came from? If you don't like your lot in the United States, and its system of education, go back to Mexico."

The person who exclaims thus is under the erroneous impression, that the language and culture of the southwestern part of the United

States, is English, and that what exists here came from the eastern part of the United States, that the Mexican American is an outsider, when in fact, it is the contrary.

The American genius in law and government has consisted in adapting to its terrain much of the best which preceded its arrival in the family of nations. At the end of the English-American War, we acquired from the 13 British Colonies in our northeastern borders, the heritage of what was considered to be English law.

At the end of the Mexican-American War, we acquired from the Mexican States which formed a part and were located in our present southwestern borders, the heritage of the Mexican laws, and Mexican customs, and the Spanish language, all of which had nothing to do with Great Britain.

The English common law was presumed to exist in those States of the Union, former colonies of England, or carved out of such colonies, but such presumption did not exist in the southwestern part of the United States, where an organized society already existed, which was Mexican.

Cursory examination, in retrospect, indicates that the new arrivals from the East accommodated their way of life to the system of the prior sovereign Mexico, which by omission, our educational institutions have failed to express, or distinguish, and which forms the subject matter of our discussion today, that is, the isolation and exclusion of the Mexican American in the educational process of our public school systems.

As you know, my home is California. The California constitution was originally written in both the Spanish language and the English language. It was a bilingual constitution. The constitutional sessions were opened each morning with a prayer in English by the Rev. S. H. Willey, Padre Antonio Ramirez terminated the daily sessions with a prayer in the Spanish language. The substantive Mexican laws became the laws of the State of California.

Under our Supreme Court decisions they were not foreign laws but we acquired them by succession and judicial notice was taken of them.

It is not known, because it is not taught, that in the Southwest our municipal laws were copied from and based upon the laws of Mexico, wherein the Pueblos were the agency of local government. The responsibilities of the common councils were copied verbatim from the Mexican laws, which have continued in effect until today.

Mr. EDWARDS. Mr. Ruiz, San Jose was the original capital of California and was my birthplace.

Mr. RUIZ. Yes.

The laws of my own Sate of California continued to be printed in both the English and the Spanish language until the year 1874.

As long as the laws were printed in Spanish, public discussion of the issues involved took place in the Spanish-speaking communities. Newspapers in the Spanish language abounded in California and the Southwest. The "Californian" first English language newspaper issued at Monterey, was printed with press and type brought from Mexico.

In addition to our municipal laws, our mining laws, all of our Federal mining laws, our laws with respect to descent, our suits in partition, and our community property laws in the relationship of husband and wife, were laws of the prior sovereign Mexico and were copied and adopted by our legislative bodies in the Southwest. These laws have remained in effect until today.

When in 1970, the California Sate Supreme Court, in the case of *Castro* v. *California* struck down the English literacy requirement for voting, and ruled that fluency in the English language was not indispensable to exercise an intelligent judgment with respect to issues and candidates, the California Supreme Court said:

> We cannot refrain from observing that if a contrary decision were compelled it would indeed be ironic that petitioners who are the heirs of a great and gracious culture, identified with the birth of California and contributing in no small measure to its growth should be disenfranchised in their ancestral land, despite their capacity to cast an informed vote.

The Mexican American became a nonentity in the Southwest when local legislation made possible his ethnic isolation in the public schools and the provisions that the laws be printed in both the Spanish language as well as the English language were repealed.

If you recall, we had antioriental legislation in section 804 of the State of California Education Law. I recall when I was admitted to practice law, the children of Japanese, Chinese, Mongolian, and Indian parents could be segregated, there were no laws against the black segregation. And they were segregating the Mexican Americans in the public school system in California because they had Indian blood.

I recall the reason they did it; they misinterpreted the article with respect to the Indian being antioriental legislation. It was the India-Indian from the Orient that was being referred to. The law was repealed finally. There were many good Anglos and many good black people and we are grateful to them for assisting us in eliminating that antioriental legislation.

We in the United States accepted Mexican American institutions and incorporated them into our legal structure, but rejected the language which breathed life into them. This has constituted a provincialism foreign to our asserted principles of democratic government and world leadership.

Chicano children have been discouraged from speaking Spanish in the schoolroom and this restriction if frequently extended to the school ground.

This is just beginning to disappear. This suppression of the Spanish language is most overt of the exclusionary practices. Our reports indicate that nearly 50 percent of all Chicano first graders in the Southwest do not speak English as well as the average Anglo first grader. Although school authorities officially deplore this, they continue to use methods that will insure a guilt complex as a penalty for the use of the Spanish language in school.

In a classroom, you could not have classes in Spanish but they would speak Spanish. Fully one-third of the schools surveyed by the Commission admit to discouraging the use of Spanish in the classroom by means which vary from enforcing a "No Spanish Rule" to actual discipline.

While it is true that some schools have instituted more positive measures for building the language skills of Mexican Americans, these unfortunately, are too few. Three techniques are generally used: bilingual education, English as a second language, and remedial reading.

If you will make reference to our report No. 1, you will have a breakdown on what that is.

A subtle practice of exclusion consists of the omission to mention Mexican culture in the school curriculum. Only 4 percent of the elementary schools and 7 percent of the secondary schools wherein a significant portion of the students are Mexican American include a course in Mexican American history. And even here less than 2 percent of elementary school students and a fraction of 1 percent of secondary school students are enrolled in these courses.

The Chicano student is not only the one excluded from the programs the Anglo school systems in the Southwest. His parents and the leaders of his community suffer the same fate. The Commission survey revealed that they are kept from any actual involvement in the educational decisionmaking process as was evident in four specific school-community activity areas examined. These were school contacts with parents, use of community advisory boards, use of community relations specialists and use of educational consultants.

Although an estimated 4 million persons in the Southwest identify Spanish as their mother tongue, only 25 percent of the elementary and 11 percent of the secondary schools send notices in Spanish to the homes of Spanish-speaking persons. Such notices and discussions at PTA meetings are the methods most frequently used by the schools to communicate with the homes. But with only about 8 percent of the elementary and less than 2 percent of the secondary schools using both Spanish and English at PTA meetings, it takes no great imagination to realize how meaningless and frustrating they are to parents who do not know English.

I can recall my mother did not know any English.

The use of community advisory boards on Mexican American educational affairs might have a salutary effect but only one district in four has such a board and these meet infrequently. Again, community relations specialists could help bridge the gap, but only 15 percent of the surveyed districts employ such specialists. Sometimes, if a district wants to do something and can do nothing else, it hires a consultant on Mexican American educational affairs Although the number of such consultants is growing, only 18 percent of the districts were found to be using them at the time of the survey

Our reports demonstrate that educational and cultural exclusion is a reality in the schools of the Southwest. Somewhere in the history of a country founded in a pioneer spirit that stressed individuality and ethnic contribution, belief in the validity of only the dominant culture has come to take precedence over all others.

The result is that schools in the Southwest are attempting to mold Mexican American children into the single image of the monolingual, monocultural Anglo to the detriment of the entire society. Not only is the constitutional right of an individual to equal opportunity being violated by this process of exclusion but the richest source of American strength is being diminished by ignoring the benefits of cultural pluralism. We are confronted by a dual-learning challenge which must be respected and cultivated so that, out of this generation of students, will emerge enlightened, sensitive, and truly educated American citizens.

The U.S. Commission on Civil Rights has carefully documented that the schools of the Southwest fail to provide their minority students with an adequate education. Five States were surveyed, Arizona,

California, Colorado, New Mexico, and Texas. In none of these were the levels of school achievement or other school outcomes of minority students, however measured, on a par with the levels of their Anglo peers.

Fully 40 percent of our Mexican American students in the Southwest will never see their high school diploma. This is a wasted resource. Educational opportunity, therefore, must be assessed as opportunity for equal outcomes, not just opportunity to sit in a classroom and, only too often, be perceived as little more than an extension of that classroom's furniture.

Similarly, we find that minority youngsters are attending school, yet they are often deterred, for a variety of reasons—from participating in the many socially satisfying and educationally enhancing extracurricular activities.

And that is gone into in detail in our reports.

Such students are not receiving an equal educational outcome, even though they are officially enrolled in school.

The precise statistics and hard facts contained in our three reports, copies of which I hand to you, and there are yet three more to go, document systematically what most of us have observed informally for many years. The reports document the failure of the schools to provide at least an equal educational system for this minority segment as it provides for its Anglo youngsters.

(The first three reports referred to above are in the appendix at p. 348.)

Mr. RUIZ. There are an estimated 2.3 million Spanish-surnamed pupils in the United States of which 1.4 million attend public schools in the Southwest, 90 percent of which are Mexican American. It is clear, from the data gathered and contained in our reports that the schools stand indicted for their failure to reach and properly educate the minority youngster.

What has and what should the Federal Government be doing to assure equality of educational opportunity for Mexican Americans? Because our study is still in process, we are not yet in a position to offer a comprehensive set of recommendations for remedial action, but we have made some observations.

However, the evidence suggests violations of existing civil rights laws and a need for more vigorous enforcement action by relevant Federal agencies and the urgent necessity of Federal aid that can help bring Mexican American children and their parents into the mainstream of the educational process.

On May 25, 1970, over 2 years ago, the Office of Education issued a memorandum to all school districts with more than 5 percent national origin minority group students to clarify their responsibilities in providing equal education opportunities to these students.

The major provisions of the memorandum were that schools must take steps to rectify students' language deficiencies; that schools must not assign students to EMR classes—that is educationally mentally retarded classes, or academic tracks by criteria that are heavily dependent on English language skills, that classroom assignments dealing with special language skill needs must be only temporary, and that school districts be responsible for notifying parents of national origin students in their native language.

In the 2 years since the issuance of this memorandum little has been done to enforce its provisions. HEW has completed compliance

reviews in only 16 districts in the entire county. Currently 27 more are under review. When one considers that there are 2,900, almost 3,000 school districts in the Southwest alone, this is a mere drop in a very large bucket.

Our data show that in 1969 only 8 percent of the Chicano students were enrolled in bilingual education or English as a second language program. They also indicate that Mexican-American students are twice as likely to be placed in EMR classes. Furthermore, as I have mentioned, only 25 percent of the elementary schools and 11 percent of the secondary schools surveyed sent notices home in Spanish as well as English.

Given this situation, it seems highly likely that many school districts in the Southwest are presently in noncompliance with title VI of the Civil Rights Act of 1964 where there can be no discrimination by reason of race, religion or national origin.

The Office of Education should provide the personnel and the resources to enforce the provisions of this memorandum.

Likewise HEW has not had a very aggressive record in investigating school segregation of Mexican Americans in schools and districts. Their efforts have had no real impact in reducing the proportion of Chicanos in isolated schools in the Southwest. In 1968 54.1 percent of all Chicanos in the Southwest attended predominantly minority schools. In 1970 this proportion had increased to 54.6 percent.

It appears as though we are sliding backwards.

The Federal Government has given little support to the school districts of the Southwest to alleviate their pressing need for bilingual education. In the present 1971–72 school year HEW received an appropriation of $25 million to fund 163 bilingual education projects in the entire United States. The 144 projects for Spanish-speaking children 3 to 18 years of age in the United States. More funds should be made available for initiation of bilingual programs and for the adequate training of bilingual bicultural teachers.

There is little valid reason for this failure of the schools. Techniques for teaching minority students are available to us today; administrative and legal changes to benefit minority students are possible for us today; attitudes and behaviors for working effectively with minority people can be developed today. All of these components—and others not here mentioned—can be effectively combined and put into operation in our schools under our equal protection and equal opportunity concepts. And indeed, they have been put into operation in certain locales and with good results. We need a strong commitment coupled with fervant activity from the entire educational enterprise to implement success over the entire Southwest.

True the primary responsibility for education lies with the States. The Federal Government, too, has a responsibility, through laws aimed at preventing discrimination against school children and through programs of financial assistance to help the States provide quality education.

Quality education means the type of education that is needed. That is one very succinct interpretation.

If the States are failing to meet their responsibility to Mexican-American students in the Southwest, so, too, is the Federal Government.

In the course of our study, we have urged the States and local school boards to examine their own practices, to recognize their own inadequacies and to reform themselves. This, however, is not enough. What is needed is action on a national level—not a mere tinkering with the existing educational machinery, but massive new programs of civil rights enforcement and financial assistance to enable the schools of the Southwest to provide at long last, true equality of educational opportunity to Mexican American students.

Mr. EDWARDS. Thank you, Mr. Ruiz. We especially appreciate the interesting and constructive historical background that you provided at the beginning because oftentimes it is forgotten that Spanish-speaking people were in theSouthwest quite a long time before Anglos and indeed had title to the property there and a marvelous culture of their own.

Before asking Mr. Nunez to proceed with his statement, after which we propose to have statements from the entire panel I would like to yield to my colleague, the distinguished member from Los Angeles, Mr. Chuck Wiggins.

Mr. WIGGINS. Thank you, Mr. Chairman.

Mr. Ruiz, I am not sure here what is expected of me at this moment, whether I am to proceed with questions I have to ask you, or simply to greet you. I think it is the chairman's intention that I simply express what I feel and that is, we are honored to have a distinguished Californian testify before this committee.

You bring great personal experience to the committee, some of which the members of the committee may share because of our own life styles but we can not hope to have the degree of expertise you have. I welcome your testimony and look forward to asking you some questions about it in a few moments.

Mr. RUIZ. Thank you.

Mr. EDWARDS. Thank you, Mr. Wiggins.

Mr. Nunez, you may proceed?

TESTIMONY OF LOUIS NUNEZ, ACTING DEPUTY STAFF DIRECTOR, U.S. COMMISSION ON CIVIL RIGHTS

Mr. NUNEZ. Mr. Chairman and members of the subcommittee, I am Louis Nunez, Acting Deputy Staff Director of the U.S. Commission on Civil Rights. I wish to thank you for the opportunity to testify today on the educational status of Spanish-speaking schoolchildren.

Although I am new to the Government, my interest in this subject is not new. I am the outgoing executive director of Aspira of America, a national Puerto Rican nonprofit organization whose main purpose is to develop the leadership potential of the Puerto Rican community through education. I was also for 5 years a member of the New York City Board of Higher Education and am a member of the board of the National Reading Council.

It strikes me as more than coincidental that one of my first tasks as a Commission employee is to present this status report, since one of my first actions as Aspira director 4 years ago was to commission a survey of Puerto Rican children entitled "The Losers." That survey depicted the losing status of the Puerto Rican student, handicapped by language, confused by an alien culture, and thwarted by discrimination, which continues to this day.

Commissioner Ruiz had just completed a general review of the public education picture of Spanish-speaking students, and more particularly the results of the Commission's 4-year Mexican American education study.

Mr. Chairman, I would like to relate the information gathered through another Commission project that has examined the status of mainland Puerto Ricans. Rather than describe the project which has been ongoing since 1969, I will summarize briefly some information about Puerto Ricans and the education problems they face.

The Puerto Rican is predominantly a migrant to the cities of the Northeast and Midwest. He is perhaps the most highly urbanized minority in our country. Nearly 1 million of the mainland's estimated 1,500,000 Puertoriquenos are residents of New York City. Substantial populations are also located in northern New Jersey, Hartford, and Bridgeport, Conn.; Springfield and Boston.

The Puerto Rican population is a young one. The average age is 19. About half of the Puerto Rican population is of school age. Education, therefore, is a priority concern of the Puerto Rican community.

The Puerto Rican child constitutes a relatively large minority in urban school systems already plagued by racial imbalance, tight budgets, and outmoded school buildings. The 260,000 Puerto Ricans in the New York public schools comprise 23 percent of the school population. Hoboken's school system is 45-percent Puerto Rican, and in Bridgeport, Conn., it is 20 percent.

One continuing problem that all investigators of the Spanish-speaking encounter is the unreliability of statistics. The 1970 census does not count Puerto Ricans separately. No accurate census of the Puerto Rican public school population exists. No one knows whether all Puerto Rican children even attend school. In fact, in Boston a study indicated that one-third of the Spanish-speaking children aged 6 through 17 were not attending school.

The Department of HEW only recently initiated a requirement that local school districts report the number of Spanish surnamed individuals. Many local school districts still maintain only a white-minority categorization without breaking down "minority" to show numbers of Spanish-surnamed individuals. An accurate census of Spanish-origin Americans is needed, including where appropriate, a breakdown treating Mexican-Americans, Puerto Ricans, Cubans and other Latin groups as separate entities.

Any consideration of educational strategies for Puerto Ricans must take into account the special social, economic and educational characteristics of the population: Lower income levels than for blacks or whites, a lower level of educational attainment than for the other two groups and a language barrier.

In 1969 the Bureau of Labor Statistics reported that Puerto Ricans 25 years of age and over living in New York poverty areas had completed, on the average, only 8.3 years of school. This figure contrasts sharply with the median of 12.1 years of schooling for the city population as a whole and 11.8 years for nonwhites in 1970. Where 53.4 percent of New York City's white population 25 years of age and over had earned a high school diploma, only 15 percent of the Puerto Rican residents had graduated from high school, a figure far below the 48 percent of nonwhites who had earned a high school diploma. This

means Puerto Ricans are at a competitive disadvantage on the job market. This disadvantage, coupled with discrimination, threatens to trap the population in an endless cycle of poverty.

Recent education figures show no improvement on the horizon. In the 1970–71 school year only a third of the Puerto Rican students who had been enrolled 2 years before in the 10th grade actually graduated from high school; 67 percent of their group left at some point between September 1968 and June 1971.

In Boston, Mass., with approximately 2,000 Spanish-speaking students enrolled in public schools, seven graduated from high school in 1970. Springfield, Mass., graduated 11 in 1971.

Bridgeport, Conn.'s sizable 22 percent Puerto Rican enrollment in elementary school dips down to 13 percent in high school. The number of Puerto Rican graduates from a high school total enrollment of 844 Puerto Rican students should be significantly greater than the 104 Puerto Ricans who graduated from Bridgeport's high school in 1971.

The metropolitan reading achievement test is administered annually by the New York City schools to children in grades one through nine. This test measured working knowledge and reading comprehension and is based on national norms. All around, New York City students compare favorably with the national norm only at the second-grade level.

Yet in a sample taken by the board of education of predominantly Puerto Rican schools, predominantly black schools, and predominantly white schools, the average reading score for Puerto Rican students was lower at each grade level than that for blacks or whites.

At each level a higher percentage of students in the Puerto Rican schools were reading below grade level than for either of the other two groups. The testimony which I have submitted for the record contains a table detailing these figures for second, fifth, and eighth grades.

(The table referred to follows:)

TABLE I.—2D, 5TH, AND 8TH GRADE READING SCORES (APRIL 1969) FOR SELECTED SCHOOLS WITH PREDOMINANTLY PUERTO RICAN, BLACK, AND WHITE STUDENTS

	Percent below grade norm	Average score
Predominantly Puerto Rican schools:		
2d grade	70	2.28
5th grade	82	4.58
8th grade	81	6.20
Predominantly black schools:		
2d grade	56	2.59
5th grade	74	4.78
8th grade	73	6.75
Predominantly white schools:		
2d grade	22	3.76
5th grade	34	6.69
8th grade	35	9.08

[1] Includes other Spanish-surnamed students.

Source: Courtesy of the MARC Corp.

Mr. NUNEZ. The number of college graduates within the Puerto Rican community in New York City is miniscule. In 1960, nine-tenths of 1 percent of Puerto Ricans 25 years of age and older had graduated from college. Ten years later that percentage improved slightly. The best estimates are that, as of 1970, about 1.5 percent of this group had graduated from college. This figure should be compared to percentages for nonwhites, 6 percent and whites in the city, 12.3 percent in 1970.

As national director of Aspira, I had an opportunity to assist many young Puerto Ricans seeking a college education. For a number of years we were successful in annually placing an increasing number of young men and women in college. But of late our placements have evened out. We have reached a plateau in our efforts to increase the numbers going to college. A basic cause of this phenomenon is that so very few graduate from high schools with the minimum requirements for college admission.

Much of the Puerto Ricans' problems in the public schools can be attributed to language. Many Puerto Rican children do not speak English, the language of instruction of our public schools. The number of pupils with serious to severe language difficulties in New York City in October 1970, was 135,000 or 11.3 percent of the school population. Puerto Ricans constitute 94,800 or 70 percent of these students. More than one out of every three Puerto Rican pupils—38.7 percent—has a serious-to-severe language difficulty.

For these 94,800 Puerto Ricans in New York City and their classmates in other cities, school is a disorienting experience. They do not understand the teacher or their schoolbooks. Guidance counselors advise them only in English. There is evidence that some school systems in Connecticut and Massachusetts place Puerto Rican children in the lowest tracks or in educationally mentally retarded (EMR) classes without adequate testing in Spanish.

I would like to state for the record a young man who is a summer law intern with the commission this year by the name of Hector Nava, who came to New York City and was placed in a class for educationally mentally retarded, subsequently struggled through, went on to a vocational high school, which was rather a poor school but he did manage to go to a college out in Maine and then he subsequently transferred on to Harvard and graduated from Harvard with high honors and is now a law student at Georgetown University. If anything, this is a very clear and immediate example of what we are talking about.

Mr. EDWARDS. If I may interrupt, my executive assistant in San Jose, Jesse Delgado, had the same experience as a young Chicano coming from Mexico. In elementary school he was placed in a class for those considered retarded, yet he was graduated not only with all A's from the high school later, but also had an exemplary record from San Jose State College. That is a parallel case.

Proceed, please.

Mr. NUNEZ. Spanish language testing is almost nonexistent. New York City does not administer any standardized tests to its non-English-speaking students.

The programs and personnel available to these language-disadvantaged students fall far short of their needs. One response has been English as a second language instruction, a course in English language skills that utilizes a phonetics approach. The class is given for a limited number of hours per week, perhaps 4 or 5, by teachers with no foreign language competency.

A small number of bilingual programs represent the second response of the city school system to the needs of disadvantaged Puerto Rican and other linguistically-hindered students. It is a sad commentary on the sensitivity of the school system to note that the impetus for most of the programs, however, comes from concerned parents and responsive local administrators, not from the board of education.

A look at school system personnel further reveals the disadvantaged position of Spanish-speaking students. In 1969, of 59,104 teachers, 89.4 percent were white, 9.1 percent were black, and 0.8 percent were Puerto Rican.

There were 969 principals, four were Puerto Rican and 37 were black. The remainder, 95.3 percent, were white. In that year 3.8 percent of the total staff were Puerto Rican while the Puerto Rican student population amounted to 21.5 percent. There were 464 Puerto Rican teachers as against 240,746 Puerto Rican students. Although guidance counselors are the key personnel in student adjustment, there were only 10 Spanish-surnamed counselors for the entire Puerto Rican student population. In Bridgeport there was not one Puerto Rican counselor for 5,000 Puerto Rican students.

In 1970–71 the employment of Spanish-surnamed persons in New York City schools had improved somewhat but the Spanish-surnamed student population had also increased. In that year out of 71,634 full-time professional employees, 1,111 or 1.6 percent were Spanish surnamed compared to a student population almost 23 percent Puerto Rican. According to a New York State survey, Puerto Ricans are the most underrepresented of any ethnic groups in the city in terms of professional personnel. There are 294 Spanish-surnamed pupils to every Spanish-surnamed school personnel. The ratio for whites is only 7 to 1. The underrepresentation of Spanish-surnamed faculty is reflected further in the districts and high schools with the heaviest concentration of Puerto Ricans.

Table II in my statement submitted for the record indicates this situation.

(Table II follows:)

TABLE II

	Percent of Spanish-surnamed staff	Percent of Puerto Ricans enrolled
District:		
1	2.3	68.2
4	3.3	63.9
7	5.7	64.1
12	4.6	55.7
14	2.6	62.2

High school location	Percent of Puerto Rican student population	Percent of Spanish-speaking staff
Benjamin Franklin, Manhattan	48.8	5.3
Harren, Manhattan	46.7	2.9
Morris, Bronx	60.4	7.2
Eastern District, Brooklyn	61.6	2.8

Mr. NUNEZ. Public education in America is still a matter of local finance and control. But increasingly, Federal dollars are assuming a greater role in public education. In 1970–71, New York City received $125 million under title I of ESEA for aid to disadvantaged children.

Two of the options available under title I which are of a particular concern to Spanish-speaking students are English-as-a-second language and bilingual programs.

The school districts in New York City collectively spend $85,756,905 on title I programs. Of that amount they currently are spending $4,126,417 on programs designed to deal with language difficulties of disadvantaged students. Not more than 14,400 of the 135,000 pupils, the majority of whom are Spanish speaking, are served by these programs, however.

I might point out that this represents a sharp improvement over the previous school year when barely $1 million was spent on bilingual and English-as-a-second language programs.

The central board of education administers several city wide title I programs on the elementary and junior high school level and also has responsibility for title I programs in the high schools. The board spent $1,024,000 of its title I funds this year on a program of recruitment and training of Spanish-speaking teachers. A program that is over 4 years has placed about one-half of the 1,000 Spanish-speaking teachers in the public schools.

None of the other centrally administered programs are geared specifically toward non-English-speaking students. This is not to say that Spanish-speaking students do not derive some benefits from some of the other title I programs administered by the Central Board. The $12 million college-bound program operates in 31 high schools including such predominantly Puerto Rican high schools as Benjamin Franklin, Harren, Eastern District, and Morris. This program aims to raise the academic level of students from poverty backgrounds and help them gain admission to college. There is no reliable evidence that many Puerto Rican students benefit from the college-bound program because of the high dropout rate among Puerto Rican students in New York City.

Tital VII of the Elementary and Secondary Education Act authorizes the Office of Education of the U.S. Department of Health, Education, and Welfare to fund bilingual-bicultural programs operated by local school districts. These demonstration projects are designed to meet the special educational needs of children from low-income families who have limited English-speaking ability and in whose home environment the dominant language is one other than English.

The fiscal year 1971 congressional appropriation was $25 million. New York received slightly more than $1 million.

According to title VII officials, grants are awarded solely on the basis of proposal merit. Awards are not based upon a criteria of need since the amount of appropriated funds has never been large enough to deal with the scope of the non-English-speaking problems.

Title VII officials state that the amount of money going to the northeast has increased significantly in the current fiscal year. This is an encouraging trend, but much more needs to be done to correct the gross disparities of past years when disproportionate amounts went to two States, California and Texas.

The total number of pupils reached by title VII bilingual programs in New York is 5,000—only a small portion of the 135,000 non-English-speaking city schoolchildren who need such programs and services.

RECOMMENDATIONS

The Commission will be making its major recommendations when it releases its report of the Puerto Rican project. There are, however, three immediate actions which can be initiated now by the executive branch, and which could go far in helping the Spanish-speaking student.

First an accurate census of Spanish origin groups should be conducted. HEW should require that local school districts annually report their Spanish origin populations where this group is significant in number. Such reports by local school districts should include information on non-English speaking students and student achievement by ethnic group.

Second HEW should require State title I plans and local school districts to program funds for the special needs of linguistically disadvantaged students.

Third, the Department of HEW should initiate a title VI compliance review of the New York City school system, the "schoolhouse" for perhaps 70 percent of the Nation's Puerto Rican schoolchildren.

This presentation demonstrates the disadvantaged position of Spanish origin non-English speaking children in the New York City schools. The failure to use Federal funds to meet the needs of Spanish-speaking children violates title VI of the Civil Rights Act of 1964 and the implementing May 25, 1970, memorandum. The failure of that city to develop an affirmative nondiscriminatory program for this population should receive a high priority at HEW.

The urging by the members of the subcommittee of such administrative action or the sponsorship of appropriate legislation would do much for the aspirations of your fellow citizens, the Nation's 12 million Chicanos, Puertoriquenos, Cubanos, and Latinos.

Thank you.

Mr. EDWARDS. Thank you very much. I am not sure that the subcommittee did not err in grouping the problems of the Spanish-surnamed people of the Southwest with the problems of Puerto Ricans, although theirproblems seem to run along similar lines. Would both you gentlemen agree that there are significant parallels in the discrimination and in the disadvantaged conditions?

Mr. RUIZ. Yes, insofar as language is concerned, the bilingual part of it and the lack of funding for those problems.

Mr. EDWARDS. Would you prefer to see these problems treated separately?

Mr. RUIZ. Yes.

Mr. NUNEZ. As I pointed out in my statement, the majority of Puerto Ricans do live in New York City, 70 percent roughly. It is an abnormal situation where you have so many people concentrated in a system that is utterly failing our community.

The Commission has experienced quite a lot of difficulty in developing this study over the years and has noted the increasing disparity in Puerto Rican communities across the country.

At one time there was a feeling in the States that in general the Puerto Ricans were nice people, docile, and what you see is an increasing sense of frustration and militancy. A lot of it is emerging in schools. I remember as a member of the board of education there were many confrontations the board had to have with students at the different

colleges. With all the new programs, they really have just not made enough of an impact on the problem. If you look at them and analyze—as the statement shows, that 5 or 10 percent of the problem, the problem will not be resolved until this country makes a determination that we are going to make some funding into this to make a difference.

Mr. EDWARDS. Has the Commission asked HEW for these three immediate actions which could be initiated now or have you formally suggested to the executive branch that the recommendations contained in your testimony be implemented?

Mr. SLOANE. With respect to both the Mexican American study and Puerto Rican studies, we are in midjourney: we have tried to find out the scope and extent and nature of the problem. We have not worked out comprehensive recommendations with respect to either.

We have not made formal recommendations to any agency. For this hearing we made it our business to find out what HEW and other Federal agencies were doing to meet the problems. Our reports are public and we find out they have been doing very little.

Mr. POWELL. We requested HEW to make a study of New York City schools; we have made that request.

Mr. EDWARDS. What has been HEW's response?

Mr. POWELL. I do not know that we have a formal response. It is my understanding they are beginning to initiate such a study. I think the determination to make such a study is in process, whether they will make it or not, I do not know.

Mr. EDWARDS. The subcommittee will be very interested in the results of that study.

I yield to Mr. Wiggins.

Mr. WIGGINS. Thank you.

I direct the first question to Mr. Ruiz. Our clear national policy, as we all know, is that students shall not be segregated on the basis of race or other nongermane factors in attendance of public schools. And yet your report fully documents that Spanish-speaking youngsters have special education problems.

Do you find that it is difficult to deal with those special education problems without segregating the children who have those problems for purposes of giving them the special instructions that they may need and, if so, is it really going to be possible for us to deal with those unique problems without, if not separating them in different schools, at least separating them in different classes for special instruction?

Mr. RUIZ. We are not talking of racial segregation. But of segregation in the sense of teaching persons who have special problems. The persons, whether they be in urban populations or out in the country, are more or less together defective and an input is absolutely required in these situations in order to keep from perpetuating a situation where your Mexican, as you know him, a Mexican American speaks English with a Spanish accent and Spanish with an English accent and goes nowhere. These are special problems of language. In those areas where this de facto matter does not exist, if you can escape it, the dropout rate, unless you have an exceedingly bright youngster, is even greater.

In many of those instances he is completely lost by virtue of the language situation.

Mr. WIGGINS. I would agree with you if your statement is that segregation of young children on the basis of educational capabilities

for the purpose of special instruction would not be a violation of the Constitution. But your prepared statement is critical of that process. Your prepared statement indicates you view with concern—I think that is your language—the segregation of Spanish-speaking youngsters within single schools—the designation of those youngsters, very unfortunately, as EMR students. I wish they were called something else. Let us call hem educationally deprived—no, that is not a good word, either.

Are you not, in a sense, working at cross-purposes?

Mr. RUIZ. No. Take a school where we have 40 percent Mexican Americans and 60 percent Anglos. Within those schools you can have special language instruction, as going to gym or as part of the curriculum, in order to give them a boost, particularly in the undergraduate schools so they can catch up.

For example, when we speak of bilingual education, we have youngsters coming in that do not speak English, if you have a teacher that can use the Spanish language in order in Spanish to explain what the English is instead of a teacher that does not understand Spanish and is speaking entirely in English and there is a lack of understanding and there is an immediate dropout—immediate dropout, I say, because that youngster begins to go down. But within the schools, within the institutions themselves you can have classes.

That does not segregate them.

Mr. WIGGINS. Wouldn't you be disturbed if it developed that 75, 80, or 90 percent of the Spanish-speaking youngsters were placed in special classes because of an identifiable educational problem?

Mr. RUIZ. Let us assume there is a school with 75 percent. They are already there by virtue of the de facto setup. They need special instruction. It does not change the picture whatsoever.

Mr. WIGGINS. I do not disagree but I have observed that educators across this country are gun-shy of placing children in special classes, particularly if there is an identifiable racial group that fits into that special class. They feel obliged to place all youngsters together and the net effect is that all suffer.

Mr. RUIZ. That is because you are mixing them. You start with the premise of mixing. The idea with respect to those is you can observe—you do not have to have special tests—you can walk in, select those immediately that need special training to catch up with the others with respect to the others.

Mr. WIGGINS. I think Mr. Sloane is eager to answer.

Mr. SLOANE. One of the problems we found with respect to practice in the schools of the Southwest, they seem to start on the assumption there is something wrong, something not normal about the Mexican American child, based on the problem of language.

The most horrible example is the one Mr. Nunez and the chairman mentioned of placing bright children in the EMR classes.

The approach toward remedying the problem again starts with believing there is something wrong with the child, programs in remedial reading start with that assumption. We took a look at several of the most popular means of overcoming problems of language. It seemed to us that the most promising was bilingual education. It does not start with that assumption. It is a program to reach all children, not just Mexican American but all children, to teach two cultures to Mexican Americans and Anglo children.

Mexican American children are conscious of being not only separate but unequal. This is driven home to them from the day they enter school. It seems to us the bilingual solution is the best of all.

Mr. WIGGINS. Does it occur to you that English-speaking children might have no desire to speak Spanish? I think it would be an unfortunate choice, but to compel them to attend a Spanish class not for their benefit but a class primarily for the Spanish-speaking does not seem to me to be the answer.

Mr. RUIZ. It would be a rich cultural loss to the Anglo child.

Mr. WIGGINS. Bilingual education classes in my district and elsewhere are regarded as devices and techniques to be encouraged to help Spanish-speaking youngsters master English sufficiently to progress normally with their education. But compelling Anglo students' attendance at these classes has the impact of retarding their education somewhat.

Mr. NUNEZ. I do not think we can advocate compelling anyone to attend a bilingual class. I recall a few demonstrations being done in New York. The non-Spanish-speaking in those schools are eager to attend the classes.

You raise the question of segregation; the fact of the matter is every large urban school district in the United States, particularly in the Northeast, is a segregated institution.

I would say black and Puerto Ricans in New York City attend schools that are predominantly black and Puerto Rican. That will not change unless we work with the suburbs. Those are the realities we face. While we work on the problem of segregation, we must develop and have significant programs that will focus on the special needs. As we cited in our statement, in New York City there are 135,000 young people who have a severe language difficulty. My experience in working with Puerto Rican high school graduates and trying to place them in college, it is not a question of they do not speak English, but the process of their going through the school system and learning it. We find perhaps they are 2 or 3 years behind their grade level in reading.

When they go to college, they have an immediate and enormous problem. We are talking of high school graduates, not the youngsters that dropped out.

Mr. WIGGINS. Do you think it would offend the law or the policies we are implementing if a fairly administered test—assume that fact for the moment—a fairly administered test were given to all students without reference to ethnic or racial background and those with a language problem were separated not for all purposes, but for purposes of special language instruction, even if it developed in a given school district that that special class was wholly Spanish-speaking, Mexican American? Would that segregation offend you or offend the law?

Mr. NUNEZ. Not particularly. Out of the 135,000 students in New York City with a language disability, our figures indicate only 70 percent are Spanish speaking or Puerto Rican; they are French speaking from Haiti—people from all over the world—Greeks, Italians, and so on.

I think we are interested in getting to the problem. We are talking about not putting them in a class for the mentally retarded but putting them together to beef up their English competency and I see no difficulty with that. I do not believe the Commission would.

Mr. WIGGINS. Let me tell you an experience Mr. Ruiz may know about, personally. I was born in El Monte—you know where that is?

Mr. RUIZ. I certainly do.

Mr. WIGGINS. El Monte is a city with a heavy population of Mexican- or Spanish-speaking citizens. When the city was smaller, it was the policy of the school district back in the thirties and forties——

Mr. RUIZ. Hix Camp is in El Monte.

Mr. WIGGINS. It used to be Wiggins Camp.

Mr. RUIZ. I remember.

Mr. WIGGINS. I try to forget it.

I am speaking of the sins of omission and commission of great-grandparents of mine. I was born there, my father and his father and his father were born in El Monte.

Mr. RUIZ. We had a lot of trouble in Hix Camp.

Mr. WIGGINS. When the city was smaller, it was the policy of the school district to take all Mexican students beginning in the elementary schools and place them in a separate school for the first three grades. It was Lexington School. After graduation, in the fourth grade they went to the school where all children went. Bilingual teachers were assigned to Lexington School. Mexican was the predominant language, practically the only language in Lexington School. It was a difficult task for teachers to introduce the English language to these youngsters for the first time. Their homes were monolinguistic and it was wholly Mexican.

That practice was abandoned, as it should have been. It probably was clearly unconstitutional.

Mr. RUIZ. That was abandoned about 1946.

Mr. WIGGINS. Yes.

Mr. RUIZ. I was part of it.

Mr. WIGGINS. It was clearly, unconstitutional. The vice was that it placed all children without reference to their special educational problems, solely on the basis of their ethnic background, in a segregated school, but it represented an attempt, I think, by a school district to deal with the problem. That same school district now has a terrible problem of youngsters coming in to the first grade speaking literally no English, but they feel they are compelled to keep them together with Anglo children at all levels of instruction.

The consequence is that nobody gets a very good education out of that. I hope that we do not become so sensitive to the problems of race and ethnic background that we are incapable of dealing with genuine educational problems.

Mr. RUIZ. I will be happy to check into the elementary situation.

I am well acquainted with the historical elements of the city of El Monte. I will make a report to you personally on that with respect to certain resource material that I can go into.

Mr. WIGGINS. The whole thrust of my remarks is perhaps embodied in my effort to sum up, that is, that we should not limit the right of school districts, in my opinion, to segregate youngsters on the basis of their educational need and to deal with those problems. If, as a by-product—a wholly unintended byproduct—the classes became temporarily segregated on the basis of race or ethnic background, that is a consequence we have to endure in order to deal with the educational problem.

Mr. SLOANE. My problem with that is that it is based again on an assumption which is somewhat defeatist. I do not think the schools are powerless or so lacking in imagination as to work out devices for children of different ethnic backgrounds through other than segregation.

As Mr. Nunez pointed out, it is not forcing children to learn another culture. Our experience has been many Anglo parents would like their children to have some experience with the culture of the area.

It is not really a question if imposing this on a child in the area.

Mr. WIGGINS. I think it would almost be accepted without argument that a class that has to be conducted practically in two languages is going to proceed more slowly than one conducted in one.

Mr. RUIZ. I have learned, Congressman, that the comparative concept is wonderful. In this sense, my specialty in law is comparative law, international private law. I learned my California law a heck of a lot better by learning Mexican law, by virtue of the fact that in order to learn one, you improve on the other. When we get down to comparative language, a student will learn his English language better if he is exposed to a comparison.

This is a psychological process which, in these things, may have to be considered when we finally work out the proper gimmick.

This is comparatively new: bilingual education. It is not something that has been going on for the last 15 or 20 years. It is in the experimental stage and there have been some instances of great fruition to all students that are exposed to it.

Mr. WIGGINS. I hope this discussion could be resolved by studies and achievement tests that have been conducted to determine whether or not my fears are genuine.

I will conclude with this observation, Mr. Chairman. In your prepared testimony, Mr. Ruiz, you indicated opposition to the grouping of students on the basis of their educational attainments.

I think that probably was based upon the belief that those having language difficulties would be at the bottom of the scale and there would be feelings of discrimination, a feeling of second-class student citizenship, which I understand, but on the other hand, I do not think we should discriminate against a brilliant student, either. He should be allowed to proceed as fast as his capabilities allow.

If we put bright kids with those not so bright, I hope it does not become a civil rights matter to do so.

Mr. NUNEZ. I recall at the University of the City of New York, at the beginning those arguments were put forth, "Why would you want to bring them to this university that has such high standards?" What we were saying is that we have not given up on young people yet. Our society sort of makes a judgment, you drop out of high school, that means you will not go any further.

You go to a vocational high school, that means you will never go to college. I think the educational system should be more concerned about the final product rather than what the youngster brings to the school, so that he can come out a better person. I think a lot of educators in our society are concerned with guaranteeing success.

In cities like New York, they have these highly specialized high schools, like Stuyvesant and Bronx Science. Every student has to have a certain average, like practically an A average before being eligible to enter. Then the school says 99 percent of these youngsters go to college and the school was a success.

My feeling is that the youngster would have gone to college even if he had not gone to that school. The school has the better teachers and equipment. It does not prove anything that they went to that school. I think a lot more could be proved in certain of these programs where you get a youngster—I think you are doing more in an educational sense when you get a youngster who does not look as though he will make it but, because of the educational intervention process, you light a flame for knowledge in that youngster and he spurts out.

The situation with Spanish-speaking youngsters is we do not know that much; the school system does not know that much. They do not understand them. Do not understand the culture—where they come from. They make a judgment that they are a failure at the beginning. It will take a while, 3 or 4 years, but they have to be given this opportunity.

The incident of citing that they be put in for 3 or 4 years, there was already a judgment that they will not make it.

Mr. WIGGINS. That was bad.

I do not support that.

The fact is, as we all know, the teachers make this judgment every day anyway. My young son is attending a school here in Washington and his teacher puts the class in reading groups when they study reading, little circles of five or 10 youngsters in a group. The kids know that those are identifiable reading groups, one, two and three, based on their capability to read.

I take it, it is easier for the teacher to instruct on that basis and the kids are mindful of the fact they are in reading group 1, or 2 or 3—what have you.

I hope they aspire to rise to the top.

Mr. RUIZ. They do not feel segregated, do they?

Mr. WIGGINS. I cannot tell you whether they are emotionally scarred as a result of these reading groups.

Mr. RUIZ. This is what we are interested in.

Mr. WIGGINS. My son reads very well and he is very proud of the fact he is in reading group 1.

Mr. POWELL. I think you misconstrued our statement. I do not think we say anything about assigning people on the basis of their intelligence but we decry that you give a Spanish-speaking child an intelligence test in English and he is assigned as a result of that. It is probably illegal. Nowhere do we address the assignment based on intelligence. What we address is inquiring into the intelligence of a Spanish-speaking child and that is to make the test valid.

Mr. KEATING. On that point, not only the English language is a handicap but also the background of the individual child, the cultural background. If you are questioning based on one culture as opposed to the other, or on other experiences, if you will, he is not going to score as high as someone else if you use a standard he is not accustomed to. It is more than just a language.

Mr. RUIZ. They had one, "Put the tail on the donkey." Most youngsters flunked and they changed it to "Put the tail on the burro" and all got good grades.

Mr. KEATING. Let me just say that I would like to see a copy of the report because this area of discussion is of great interest and what you provide Congressman Wiggins I can possibly obtain from him on this El Monte situation.

I would like to have that available to me if I can. I do not happen to have the bilingual problems in my district, but I think it is a matter of great interest and concern. We have a school in our district that is college preparatory and is, I guess, 60 percent white and 40 percent black, but if it were not a college preparatory school and did not draw from the entire community it would probably be 90 percent black and 10 percent white.

There is busing to this school by reason of people wanting to go to the school because it is a select school and it has a mix in it, really, and they are going through the throes of discussing what should they do in our community. They had a big vote and decided to keep it as it was.

I suspect on an annual basis, they will be trying to decide what to do with it or about it. It is based on an entrance examination.

Mr. NUNEZ. One point of commonality between Mexicans and Puerto Ricans is the way they become American citizens; that is, they were made American citizens. In Puerto Rico, Spanish is legal and they are all American citizens. I understand this is and was the case according to Commissioner Ruiz' statement earlier in California. It is not a question that immigrants came here and had to learn the language of the country. They were here already and were made Americans. It was the legislation authorizing this when the United States gave the Puerto Ricans the right to use their language. I think we can begin to look at America as a bilingual society. It is not that unique. There are several countries where several languages are spoken.

I think it is legitimate. Sometimes our critics feel this is wrong. We are not saying people will communicate solely in Spanish, we are saying they should be allowed to communicate equally in Spanish and English. I think it is a legitimate aspiration for our communities in the Southwest and Northeast.

The other fact is that it is clear that the current way of educating Spanish speaking in a traditional way does not work for our people and we have to develop special cultures, bilingual cultures with English as a second language, all the special programing. What has happened shows no evidence we are moving from where we are at. It is very discouraging and we have to take new directions.

Mr. KEATING. Let me ask you as a man interested as I know you are in equal and civil rights for all Americans: Does it bother you that we have selected those minority groups that are racially identifiable, identifiable by physical characteristics, for specialized treatment and have not considered other minority groups in our society?

Mr. RUIZ. We are considering other minority groups, other ethnics are coming into this at the present time because this is being expanded. With respect to the specialized treatment, there is really nothing wrong with that. For example, first I am an American but I am a very special kind of American. I am a Mexican American. By virtue of that I have two cultures and two languages. I have a little bit more by virtue of that than a lot of people around us here that would give their right arms to be bilingual.

Mr. KEATING. We do not intend to say that, if I am a Pole, however.

Mr. RUIZ. No, as I say this, in the last statement from HEW, they are going into that field, they feel this is remedial and necessary. We have to start someplace. We start with the Mexican Americans in the Southwest because there are so many of us.

Mr. KEATING. I notice that not just in the language field but in the programs to enrich the curriculum by providing opportunities to learn about the culture, the heritage of the predominant minority, they are pretty well confined to Chicanos and blacks right now.

Mr. RUIZ. Yes.

Mr. KEATING. I have not heard of any major effort to isolate the Polish precincts of Detroit, if there are any in Detroit.

Mr. RUIZ. The Jews are setting up their own colleges.

Mr. KEATING. That is true. That is a large minority group. I do not know whether the public schools of New York have special classes with respect to Jewish culture.

Mr. EDWARDS. Mr. Ruiz, and Mr. Nunez, both of your testimonies have allegations with proof attached thereto that have very much to do with the jurisdiction not only of the Civil Rights Commission, but of this subcommittee, the House Subcommittee on the Judiciary. They have to do with the deprivation of rights for equal opportunity and education.

Also it seems to me in both of your testimonies there are parallel accusations, shall we say, of deficiencies and inequities and violations of the law. One, that there are a lot of school districts that remain segregated in violation of the Board of Education. Is that correct? Certainly in the Southwest and to some extent in New York.

Mr. NUNEZ. It is more de facto in New York.

Mr. EDWARDS. It is de jure in the Southwest. We will not go into the question of whether they are illegal. However, you do find specific things that could be cured if local, Federal, and State governments were interested in curing them.

For example, the teachers and administrators are largely Anglo. There apparently has not been a real effort made to permit or have the appropriate proportion of Chicanos or Puerto Rican teachers; is that correct?

Mr. NUNEZ. Yes, sir.

Mr. EDWARDS. There is no real effort by the school districts to have decent community relationships insofar as language is concerned at PTA meetings, is not that correct—there is a refusal to include the two cultures, and to develop an appreciation of the second culture. In both areas—the Northeast and the Southwest, the Anglo culture is emphasized to some extent as though the Spanish-speaking culture does not exist. Insofar as the language difficulty in both areas, there is a minimal effort being made to provide remedial help. Yet there are some very definite things that should be done.

Mr. RUIZ. For example, the Office of Education has on its payroll nearly 3,000 full-time persons in Washington and regional offices. Only 50 are Spanish-speaking. To the best of our knowledge, only one of the Spanish-speaking personnel has direct-funding authority for a program which is allocated on a basis other than a set formula, one chicano supergrade GS–16, one person who would have anything to say about where money would go. You need someone there with a comprehension of these things.

Mr. NUNEZ. I was thinking of what you said, Mr. Wiggins, as to why just the Chicanos, and Puerto Ricans, why should they have these special programs and why should not any other group have them?

The point is the traditional method of instruction is not working for us. The same way you might have enriched curriculum for some-

one, we are asking for special programs that will work for these people. Congress has approved this. You have your Bilingual Education Act. It is the law of the land. There are many laws that have endorsed this concept, the point being that they are not applied equally. There is little funding involved in it but the concept has been accepted by the Congress of this special programing.

If Puerto Ricans and Mexican-Americans had the same educational level, the same income level, the same access to all government positions and to the business world, I am sure there would not be a demand for special programs to begin to bridge this gap. This is a problem—that is what we are trying to deal with and you need new approaches for this problem.

Mr. WIGGINS. You will not have any problem with me ever if we deal with the problems of individuals. However, I do have some reservation when we start dealing with racial classes as classes, without reference to the problems that may be embodied generally in the members of that class.

Mr. EDWARDS. Mr. Garrison?

Mr. GARRISON. Have there been any successful, demonstrably successful, educational techniques that have been utilized on a pilot or experimental basis in either the Southwest or New York that you would like to call to the attention of the subcommittee?

Mr. NUNEZ. Yes, sir. Most of the funded bilingual programs are funded on an experimental program. You are talking of the education of a child and it takes a while to determine whether any of this—this $25 million is funding several bilingual projects around the country and I do not believe they have come out with any reports.

They are in the second year and I believe they have to come out soon with reports as to which have succeeded.

Mr. SLOANE. In terms of showing objective evidence on achievement scores, there is none yet.

Mr. GARRISON. Are you saying that is the case both with respect to bilingual programs and other types of experimental education?

Mr. RUIZ. I know of one in Los Angeles. It is not a public educational school but a parish school where they have bilingual education and the result is surprising. The children in this school have learned English expertly as well as their native origin tongue.

Mr. GARRISON. If you could supply the subcommittee with any reports of this type that you are aware of or become aware of, that could be helpful.

Has any State other than California adopted a State policy of attempting to overcome ethnic imbalance in the public schools? I believe that as of the time that the first report was made only California had such a policy. Has any of the other States?

Mr. NUNEZ. I understand Massachusetts passed a law recently. The young man that headed up our study project, we understand will have results soon of their bilingual program. We will try to get a copy of that report and send it on to you as soon as it is released. I believe it is one of the first reports of the findings of bilingual—they have been in operation for 2 years so they are coming out with a report.

Mr. GARRISON. What is the State of New York's policy toward the question of racial imbalance within individual schools?

Does it have any systematic policy to overcome that imbalance? I have had the impression there must be within the city of New York

a large number of schools which are predominantly Puerto Rican, or black in some cases—clearly racially or ethnically identifiable schools. I also take it that the State of California has a policy designed to minimize such imbalance, whether or not constitutionally required, simply as a matter of State policy.

Mr. NUNEZ. You are raising the legal question.

Mr. GARRISON. I am raising the question of State law.

Mr. POWELL. We will be glad to provide the subcommittee information in that regard.

At one time, 4 or 5 years ago, the then commissioner of education, Mr. Allen, did implement such a policy. The status of that has changed with the passage of laws by the State legislature and decisions of the courts. It is my belief there is not now in being a policy which would affect what is described as de facto segregation but we can give you particulars on that.

Mr. RUIZ. In answer to Congressman Wiggins' query as to the projects funded under the educational program, it stated they were concerned with 19 languages in addition to English and this included Spanish, French, Portugese, Chinese, Russian and 13 American Indian languages. So you see we are going into that field. This has just started. It was 1972.

So, apparently there is some reason that they have decided that this should be done.

Mr. GARRISON. In the State of New York, isn't there a very large Italian-American community.

Mr. RUIZ. Yes.

Mr. GARRISON. Don't you have comparable problems in that many of those parents do not speak English?

Mr. NUNEZ. Not really. They are second or third generation Americans and the young people, you do not really—as I pointed out in my testimony, there are—the school system in New York City has identified approximately 135,000 young people with language handicaps and 70 percent of them are Spanish speaking. Obviously, the other 30 percent are other languages, maybe Italian, Greek, all sorts of immigrants—Israelis or Haitians from Haiti, who speak French. There are all sorts of language problems in New York City.

Mr. POWELL. The provision of title VII would apply to other foreign language students, they would be entitled to the program where the need is demonstrated.

Mr. GARRISON. I suppose that if you go back a sufficient number of years, you get to a point where there would have been in New York a much larger contingent of first-generation Italians and there would have been fewer Puerto Ricans at that time. Did the city of New York at any time in the past conduct programs for another ethnic group, such as the Italian Americans, similar to what you are advocating be done for Puerto Rican Americans?

Mr. NUNEZ. Yes, they did conduct classes in Italian but it was more in an ad hoc sort of way, 50 or 60 years ago in New York City. What we are advocating is the law of the land; it has been accepted by the Congress, all these programs have been approved, and HEW is making some effort to implement them around the country.

The Federal presence in education is relatively a new phenomenon that has occurred in the last 20 years. I do not believe it was very existent at the time you are citing, at the time of the great migrations.

Another point we should be aware of is probably 95 percent of those immigrants dropped out of school after 3 or 4 years. We are in a different society where if you do not have a high school diploma, you are in trouble and that was not the case 50 or 60 years ago. Education was not the requirement for successful work. Today the connection between education and success in your adult life is very close. It becomes the key to the advancement of any community education. You look at Mexican Americans and Puerto Ricans, the median age of Puerto Ricans is 19 years and the median age of Americans is 29, I believe. We will salvage our community if we change our educational program. We believe education is the vehicle through which we can enter American society through our community.

Mr. RUIZ. Some of the people came from Europe and they were cut off by the Atlantic Ocean. In the Southwest we have been going north and south and south and north over the border. This continues to this day. I recall not so long ago where members of the family couldn't care less whether a child was born in the United States or in Mexico because of this migration back and forth. It is like East and West Germany. You see it is an artificial wall, for these people who have been here so long, there is an artificial line and they have perpetuated this. Now, we have to solve the problem. We will not be able to solve it by saying—as history indicates—by saying you have been cut off from members of your families, from cousins and so on as is the situation with other ethnics and this is the problem we have to attack.

Mr. GARRISON. Have any of the educators of the Southwest tried to justify the exclusive use of English for classroom instruction for first-grade students who do not speak English on any educational basis? Have they alleged that the best way to teach the language and to get the child—to force him, in effect—to learn English is to go ahead and teach in English so that he has no choice?

Mr. RUIZ. That has been part of the historical area. The youngster comes in and the teacher is speaking in English and he does not know what is going on. Therefore, he is a dummy.

Mr. GARRISON. Has it been——

Mr. POWELL. Yes.

Mr. GARRISON (continuing). A conscious belief of the school authorities that they were forcing the child to learn English?

Mr. POWELL. They have consciously done that by saying if you want to learn English, listen to the English language as spoken.

Mr. GARRISON. You do not believe that the process of forcing the child to learn English would yield more benefit than harm to the student?

Mr. POWELL. No, it does not. There is a lack of comprehension and when you start falling out, you do not fall out at the 8th grade, it is a historical process, as you are developing. You become a dropout in the first grade.

Mr. NUNEZ. I do not believe there is any responsible educator—I am sure there is some principal of some small school who might say what they have to do is forget Spanish and learn English. That is the problem, but I think most people looking at this, regional educators in the Southwest do advocate these new approaches.

Mr. SLOANE. Just on the basis of our survey and investigations we found there is a widespread belief among the Southwest educators that a child speaking Spanish is somehow educationally handicapped in

entering the society he will enter. We sent out an extensive questionnaire to school superintendents and one of the questions was the extent to which they had a no-Spanish rule and we got a surprisingly large affirmative response, people who readily say they prohibit Spanish to the point of disciplining children who speak Spanish in the classroom or on the school grounds. They do feel this is educationally sound and good for the child in the long rum.

We believe that is unsound but it is still widespread. Our survey was 3 years ago but in view of the recent HEW memorandum dealing with language problems, we believe the overt no-Spanish rule has died down. The beliefs underlying it are still prevalent, though.

Mr. GARRISON. Do you know whether there has been any type of empirical study done by sociologists or psychologists on the educational psychology side of this argument? What I am concerned about here is whether we are not witnessing an argument within the educational community over what is the best educational policy, rather than something which should be viewed as a constitutional question. If "experts" disagree as to which policy is educationally sound, that leaves the impact of the 14th amendment, for example, somewhat unclear.

Mr. NUNEZ. Our investigation clearly indicates that what we are using now is inadequate, a failure. At least there should be an obligation to try new techniques. It seems to me the theory of teaching English while a person speaks in Spanish, in and of itself is a failure, that children should be taught subject matter in their native language and at the same time be taught English until they develop the facility. At the same time they are being taught English, they need to be taught mathematics, English, and sciences.

In the meantime, this present educational approach is not working with Spanish-speaking children.

Mr. GARRISON. On a common sense basis, I would agree. It seems only sensible that, if the child does not speak English, you should at least begin teaching him substantive material in the language he uses.

Mr. NUNEZ. Unfortunately, all too often that does not happen. They are sent to remedial classes to learn English and mathematics is taught in English, not Spanish.

Mr. GARRISON. My question is whether there have been any studies that have tried really to determine the validity of that common sense analysis.

Mr. RUIZ. Yes, there are studies. One very excellent one by a Ph. D., Dr. Manuel Guerra, from the University of Southern California and there is a lot of literature by sociologists and psychologists available that can be procurred which affirms that.

Mr. GARRISON. The only reason that I explore that point at this length is that I have some recollection of reading that people who operate the professional language schools, like Berlitz for example, and others, have said that total immersion is the best way to learn a language.

I do not know whether that is true, and certainly not whether it is true for children even if true for adults. But what would appear to be a common sense answer does not always prove true upon rigorous study of the matter.

Mr. RUIZ. Dr. Carter has a tremendous book on the question with a lot of citations on the matter you are suggesting.

Mr. SLOANE. While, perhaps, a thorough immersion may work in Berlitz, while in the five Southwestern States two out of three Mexican American kids will never see a diploma—the system is not working there. We have measured achievements and consistently there is a wide gap for the Mexican American children and the achievements of the Anglo children as the situation operates now. Scientists may differ on the best methods to improve the system but clearly the system as we have it now with the no-Spanish rule is not working.

Mr. POWELL. Even if the Berlitz people are right, would the Berlitz try to teach the American people mathematics in Spanish? It seems to me they have to learn the subject matter in their native language. It does not go to the point.

Mr. GARRISON. I agree that those are legitimate questions, which I will not try to answer. I only wanted to know what studies have been made of the problem.

Mr. NUNEZ. There is a professor on the board of education that has made a study. We will try to get a copy for the committee.

Mr. GARRISON. Thank you.

Mr. EDWARDS. I regret we must adjourn now because the House is calling with three lights up there. Gentlemen, we appreciate the work that the Civil Rights Commission is doing in this very important area and the chairman feels, to some extent, encouraged by your optimism that there are certain things that can be done that will result in a marked improvement in education for Spanish-surnamed people.

I think you will agree there are many things these governments, State, local and Federal, are not doing, that would help the local situation, is that correct?

Mr. NUNEZ. Yes.

Mr. EDWARDS. You are going to point up in future reports what should be done and make recommendations to the executive or the Congress. This subcommittee will be with you during the entire time.

Commissioner, we welcome you and hope to see you, Mr. Nunez, and you other gentlemen again. Thank you very much.

We are adjourned until next Wednesday.

(Whereupon, at 12:20 p.m. the subcommittee adjourned until Wednesday, June 14, 1972.)

EDUCATION OF THE SPANISH-SPEAKING

WEDNESDAY, JUNE 14, 1972

HOUSE OF REPRESENTATIVES,
CIVIL RIGHTS OVERSIGHT SUBCOMMITTEE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., in room 2237, Rayburn House Office Building, Hon. Don Edwards of California (chairman of the subcommittee) presiding.

Present: Representatives Edwards and Jacobs.

Also present: Jerome M. Zeifman, counsel; Samuel A. Garrison III, associate counsel; and George A. Dalley, assistant counsel.

Mr. EDWARDS. The subcommittee will come to order.

This morning, the Civil Rights Oversight Subcommittee of the House Committee on the Judiciary, resumes its hearings on the reports of the U.S. Commission on Civil Rights on the education of the Spanish-speaking.

On Thursday, June 8, 1972, the subcommittee received testimony from Commissioner Manuel Ruiz and Deputy Staff Director Louis Nunez of the U.S. Commission on Civil Rights. Commissioner Ruiz, testifying on the findings of the Commission's Mexican American education study project, presented an effective statistical indictment of the failure of the schools in the Southwest to reach and properly educate the Chicano student. Mr. Nunez, reporting on a Civil Rights Commission study of the status of mainland Puerto Ricans, informed the subcommittee that the problems of ethnic isolation, educational failure, and cultural exclusion afflicting Chicano students in the Southwest were also the problems suffered by Puerto Rican students in the Northeast.

Today, we welcome representatives of the Department of Health, Education, and Welfare, Mr. J. Stanley Pottinger, the Director of the Office for Civil Rights in the Office of the Secretary, and Mr. Dick W. Hays, Special Assistant in the Office of Special Concerns of the Office of Education. We hope to hear from these gentlemen about what the Federal Government is doing to overcome the problems encountered by Spanish-speaking students and to assure these students the equality of educational opportunity guaranteed them by the Constitution.

Mr. Pottinger, we are pleased to have you with us. Would you identify the gentlemen with you, for the stenographer, and then proceed with your prepared statement, as you wish.

Mr. POTTINGER. Thank you, Mr. Chairman. I am Mr. Pottinger. On my immediate left is Mr. Christopher T. Cross, the Deputy Assistant Secretary for Legislation (Education), Department of HEW; on my immediate right is Mr. Dick W. Hays, the Assistant Commissioner for Special Concerns, USOE. On his right is Mr. Gilbert Chavez, the Director of the Office for Spanish Speaking American Affairs, and behind me, not seated at the table, is Mrs. Dorothy Stuck, who is the Regional Director of the Office for Civil Rights in the Dallas Regional Office.

TESTIMONY OF J. STANLEY POTTINGER, DIRECTOR, OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. POTTINGER. Mr. Chairman and members of the subcommittee, I am pleased to have this opportunity to testify today on the Department's effort to help assure equal educational opportunity for Spanish-speaking students.

As you know, the Department's Office for Civil Rights administers title VI of the Civil Rights Act of 1964, which provides that no person shall, on account of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in federally assisted programs and activities.

In enforcing this provision of law, the three reports issued by the U.S. Civil Rights Commission, outlining the impact of educational practices on Mexican American students in the Southwest, have been most helpful. More than this, we hope that the reports will serve as a catalyst for needed educational change, in conjunction with the efforts of the Office for Civil Rights to investigate and mandate corrective action where shortcomings in public education have a proven discriminatory effect in violation of title VI.

Mr. Chairman, in September 1969, the Office for Civil Rights began to review civil rights and educational literature addressed to the question of discrimination against national origin minority group children. This review, together with discussions with the Commissioner of Education and members of his staff, led to the conclusion that Mexican American children were, as a group, in many school districts, being excluded from full and effective participation in programs operated by such districts.

Accordingly, the Office for Civil Rights moved to prepare a departmental policy statement which would create a set of operating principles to protect the right of national origin minority group children to a truly equal educational opportunity. In doing so, the Office relied in part on the record that the U.S. Civil Rights Commission produced in its conference in San Antonio, Tex., in December 1968.

The policy statement took the form of a memorandum issued to local school districts by the Department on May 25, 1970, about 2 years ago. I would like to submit a copy of this memorandum for the record.

Mr. EDWARDS. Without objection, it will be included in the record.

(The document referred to follows:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 25, 1970.

MEMORANDUM

To: School di[illegible]cts with more than 5 percent national origin-minority group children.

From: J. Stanley Pottinger, Director, Office for Civil Rights.

Subject: Identification of Discrimination and Denial of Services on the Basis of National Origin.

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanish-surnamed student populations by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish-surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national origin-minority groups, for example, Chinese or Portugese.

The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college prepartory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth.

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

Mr. POTTINGER. The drafting of the memorandum reflected the operational philosophy that school districts should create a culturally relevant educational approach to assure equal access of all children to its full benefits. The burden, according to this philosophy, should be on the school to adapt its educational approach so that the culture, language, and learning style of all children in the school (not just those of Anglo, middle-class background) are accepted and valued. Children should not be penalized for cultural and linguistic differences, nor should they bear a burden to conform to a school-sanctioned culture by abandoning their own.

Specifically, the May 25 memorandum identified four major areas of concern relating to compliance with title VI:

(1) Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students, and not the true potential or intelligence of the children involved.

(2) School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead end or permanent track.

(4) School districts have the responsibility to adequately notify national origin minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

In order to develop a legally supportable case for requiring school districts to initiate programs to rectify the language deficiencies of national origin minority group students, we have concluded that three basic propositions must be substantiated as a matter of law:

(1) National origin minority students in the district enter the schools with different linguistic and cultural backgrounds which directly affect their ability to speak and understand the English language.

(2) National origin minority students are excluded from effective participation in and the full benefits of the educational program (including success as measured by the district) of the district on a basis related to English language skills.

(3) The district has failed to take effective affirmative action to equalize access of national origin minority students to the full benefits of the educational program offered by the district.

The Beeville Independent School District, a medium-sized south Texas district in the Rio Grande Valley with a student population of approximately 50 percent Mexican Americans and 50 percent Anglos, became the focal point for initial policy development activity.

Mr. Chairman, with your permission, I should like to submit for the record charts and tables providing a full description of the data collection and analysis techniques employed in regard to the Beeville review.

Mr. EDWARDS. Without objection, the charts and tables will be included in the record.

(The documents referred to follow:)

THE BEEVILLE MODEL

DATA COLLECTION AND ANALYSIS TECHNIQUES

From a legal standpoint, three basic propositions need to be proven in order to outline and demonstrate noncompliance with Section 1 of the May 25 Memorandum:

(1) national origin-minority students in the district enter the schools with different linguistic and cultural backgrounds which directly affect their ability to speak and understand the English language;

(2) national origin-minority students are excluded from effective participation in and the full benefits of the educational program (including success as measured by the district) of the district on a basis related to English language skills;

(3) the district has failed to take effective affirmative action to equalize access of national origin-minority students to the full benefits of the educational program.

Support for the first proposition was gathered by the program development staff from two primary sources: (1) the collection and analysis of data related to the home language and culture of national origin minority children at the time they enter the system and (2) the collection and analysis of data related to the English language skills of the nationa origin minority children at the time they enter the system.

Chart I is an Analysis of Language Skill Data of Spanish Surnamed First Grade Students. Information collected for each Spanish-surnamed first grade pupil (1969–70) includes (1) the home language (Spanish or English) of the child as entered by school officials on an information sheet used by the district for vital data; (2) the home language (Spanish, English or other) of the child entered by the child's pre-first grade *teacher* in a box on the score sheet of the Inter-American Test of Oral English; (3) the English skill level (good, average, little or none) of the child as assessed by the child's *parent* on the Headstart Application used by the district; (4) the score of the child on the Inter-American Test of Oral English (0–40) administered at the end of the pre-first grade program (May 1969); and (5) the score of the child on the Reading Readiness Test developed in Dallas for Texas school districts (percentile scores) administered at the end of the pre-first grade program.

Data was separated into categories (e.g., performance on a specific test) and a criterion was developed for each data category which clearly indicated either a lack of facility with English language skills or the presence of primary home language skills in Spanish. The data was collected with a consistent bias against low achievement indicators. The folders from which the data was obtained were those of 1970–71 second graders. Consequently, low scoring students who failed or were held back in first grade were not included. Only clearly failing (as opposed to marginally failing) scores (based on data supplied by the test publishers) were utilized for the criteria.

OCR and OGC concurred that the first proposition was clearly supported by the evidence so developed.

Collecting evidence to support the second and third propositions was again separable into two approaches. The first, the synchronic focus, involved a review of the educational performance of all students at grade level during the same time period. The third and sixth graders were used as the sample grade levels and data was obtained from the results of the Iowa Test of Basic Skills (the test utilized by the school system to evaluate academic performance/success of elementary school children), given in the Spring of 1969. Investigation was, thus, focused on early childhood performance because of its clearly demonstrated educational significance. Because of the emphasis in the May 25 Memorandum on language skills, performance of students on three sub-batteries of the test clearly keyed to language related skills (General Vocabulary, Language Usage and Composite) was selected for close analysis after consultation with the test publisher, Houghton-Mifflin and Company.

In Charts II, III and IV the data so collected was analyzed on a classroom-by-classroom, school-by-school basis. The average raw score and percentile rank of students of each ethnic group in each classroom were calculated. This analysis revealed, at the third grade level, an average performance gap between Mexican-American students and Anglo students in General Vocabulary of −17%iles (35%ile vs 52%ile), in Language Usage of −9%iles (45%ile vs 54%ile), and in Composite score of −16%iles (45%ile vs 61%ile).

At the sixth grade level the performance gap between Mexican-Americans and Anglos had widened to an average of 28%iles in General Vocabulary (21%ile vs 49%ile), 10%iles in Language Usage (44%ile vs 54%ile) and 28%iles in Composite score (30%ile vs 58%ile).

A question arose as to whether Mexican-American students were actually losing ground year by year or whether the current third grade Mexican students were doing better than their sixth grade counterparts had done.

To answer this question, an analysis of the scores and percentile rankings of current eighth grade students (the diachronic focus) was made (Chart V). The educational history of the class starting with performance on the Iowa Test of Basic Skills administered at the third grade and terminating with performance on the Lorge Thorndike Intelligence Test, a compatibly normed test administered at the seventh grade, revealed the following:

(1) 70% of the 8th grade Mexican-American students received lower percentile rankings on the 7th grade test than on the third grade vocabulary test; 84% of these students received lower percentile rankings on the 7th grade test vs 3rd grade composite test; 82% of the students received lower percentile rankings on the 6th grade language skill test than on the 3rd grade test; 90% of the students received lower percentile rankings on the 6th grade composite test than on the 3rd grade test.

(2) The average decline of Mexican-American students in percentile rankings (compared with their earlier performance against national norms) varied from a *decline* of 15.1 percentiles in Language Skills to a decline of 20.5 percentiles in Vocabulary.

(3) As measured against their Anglo counterparts, the performance gap of Mexican-American students had increased from 10.4 percentiles in Vocabulary at the 3rd grade (36%ile vs 26%ile) to 29.5 percentiles at the 6th (52%ile vs 23%ile); from 11.2 percentiles in Language Skills at the 3rd grade (38%ile vs 27%ile) to 28.5 percentiles (59%ile vs 31%ile) at the 6th; and, staggeringly, from 8.0 percentiles in Composite Score at the 3rd grade (37%ile vs 29%ile) to 33.8 percentiles at the 6th (58%ile vs 25%ile).

INDEX OF MATERIALS

A. Memorandum of May 25, 1970 re Identification of Discrimination and Denial of Services on the Basis of National Origin.

B. Excerpt From Letter with Enclosures From Elliot L. Richardson, Secretary, Department of Health, Education and Welfare to Senator Walter F. Mondale, Subcommittee on Education, Dated August 3, 1970.

C. Analysis of Language Skill Data—Spanish-Surnamed First Grade Students, Beeville Independent School District, 1969–70.

D. Beeville Independent School District Analysis of Iowa Test of Basic Skills, Scores and Percentile Rankings of Third Grade and Sixth Grade Students.

Comparison of Percentile Rankings of Third Grade and Sixth Grade Students.

Selected Scores on Iowa Test of Basic Skills—Third Grade Students.

Selected Scores on Iowa Test of Basic Skills—Sixth Grade Students.

E. Analysis of Scores and Percentile Ranking of Selected Spanish-Surnamed Eighth Grade Students on Standardized Tests Measuring Verbal Skills, 1969–70.

F. Assignment of Pupils to A. C. Jones High School, 1970–71.

Summary Statistics.

Assignment of Pupils to 9th Grade courses with performance data on Verbal Battery, Level E, Thorndike Intelligence Test.

Assignment of Pupils to 10th Grade Courses.

Assignment of Pupils to 11th Grade Courses.

Assignment of Pupils to 12th Grade Courses.

Percentile Rankings.

Supporting Information.

G. Review of Assignment of Children to EMR Classes.

H. Checklist for collecting Data Related to the Use of Federal Funds To Provide Equal Educational Opportunity.
I. ESEA Title I Program Guide #57, February 26, 1970.

WASHINGTON, D.C., *January 4, 1971.*

EQUAL ACCESS TO EDUCATIONAL OPPORTUNITY

STAFF BRIEFING MATERIALS, OFFICE FOR CIVIL RIGHTS

Prepared by Martin H. Gerry, Catherine A. C. Welsh, Secretarial Staff, Office of the Director and Deputy Director

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 25, 1970.

MEMORANDUM

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(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program

and the process for identifying need and the extent to which the need is fulfilled should be set forth.

School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

EXCERPT FROM LETTER WITH ENCLOSURES FROM ELLIOT L. RICHARDSON, SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, TO SENATOR WALTER F. MONDALE, SUBCOMMITTEE ON EDUCATION, DATED AUGUST 3, 1970

The effects of ethnic isolation, rural and urban, on the educational development of Mexican, Puerto Rican and American Indian children are both severe and long term. Ethnic isolation often creates a homogeneity of educational environment in which a perception of cultural diversity, without an assumption of cultural superiority, cannot occur. Moreover, this homogeneity effectively precludes the interaction of children from different socio-economic and ethnic home environments. Every major report or research project dealing with the educational problems and needs of "disadvantaged" children has concluded that educational development (learning) is greatly hindered by a homogenous learning environment. Children learn more from each other than from any other resource of the educational environment. To create and perpetuate homogeneity is to greatly reduce the pool of experience, ideas and values from which children can draw and contribute in interaction with other children. In a heterogenous educational environment cultural diversity can be presented in an exciting interaction/awareness/growth process which is education in its truest sense. This diversity can be presented and perceived as enriching the total human environment rather than as threatening to a particular cultural insularity.

Another important problem related to ethnic isolation relates to the effect of such isolation on educational motivation and psychological development of the isolated child. While the segregated Anglo child is equally deprived of a heterogeneity of educational environment which could lead to increased educational development, he is rarely confronted with a school environment which directly rejects his language and, less directly, but just as devastatingly, rejects the culture of his home environment: lifestyle, clothes, food, family relationships, physical appearance, etc. The Mexican-American, Puerto Rican and American Indian child is constantly isolated by an educationally sanctioned picture of American society which produces a consciousness of separation and then exclusion and then inferiority. Realizing his exclusion from the dominant Anglo society (as presented by the mass media, advertising, textbooks, etc.), the child perceives a rejection by the society of his home which he personalizes as a rejection of his parents; and finally, a rejection of himself. This shattering process of self-concept destruction often leads to withdrawal from or hostility toward the educational system. Attitude or posturing toward the learning environment is the single most important factor in the process of educational development.

Finally, the maintenance of ethnic isolation creates for the Spanish-speaking or Indian language-speaking child the additional disadvantage of depriving him of the most important resource for English language skill development—regular interaction and communication with English-speaking children.

In summary, some of the most important needs of Mexican-American, Puerto Rican and American Indian children related to ethnic isolation are:

(1) The need for ethnic or cultural diversity in the educational environment: Heterogeneity.

(2) The need for total institutional reposturing (including culturally sensitizing teachers, instructional materials and educational approaches) in order to incorporate, affirmatively recognize and value the cultural environment of ethnic minority children so that the development of positive self-concept can be accelerated: Bi-Cultural Approaches: with, as an important corollary.

(3) The need for language programs that introduce and develop English language skills without demeaning or otherwise deprecating the language of a child's home environment and thus without presenting English as a more valued language: Bi-Lingual Component.

To meet the needs of ethnically isolated children described in numbers 2 & 3 above, participation of Anglo children in the Bi-Cultural/Bi-Lingual program is essential.

CHARTS I—ANALYSIS OF LANGUAGE SKILL DATA—SPANISH SURNAMED FIRST GRADE STUDENTS, BEEVILLE INDEPENDENT SCHOOL DISTRICT, 1969–70

1. Total Spanish-Surnamed First Grade Students, 182.
2. Home Language—From Information Sheet:
   (a) Total items, 111 (61% of 182).
   (b) English, 15 or 13.5% of 111 (8.2% of 182).
   (c) Spanish, 55 or 49.5% of 111 (30.2% of 182).
   (d) Spanish and English, 41 or 37% of 111 (25.2% of 182).
3. Home Language from IATOE Score Sheet:
   (a) Total items, 112 (61.5% of 182).
   (b) Spanish, 109 or 97% of 112 (59.9% of 182).
   (c) English, 3 or 3% of 112 (1.6% of 182).
4. English Skills—As recorded on Headstart Application:
   (a) Total items, 99 (54.4% of 182).
   (b) Good, 21 or 21.2% of 99 (11.5% of 182).
   (c) Average, 24 or 24.2% of 99 (13.2% of 182).
   (d) Little, 48 or 48.5% of 99 (26.4% of 182).
   (e) None, 6 or 6.2% of 99 (3.3% of 182).
5. Inter-American Test of Oral English—3/69:
   (a) Total students tested, 156 (85.7% of 182).
   (b) Mean Score, 29.38.
6. Inter-American Test of Oral English—5/69:
   (a) Total students tested, 153 (84% of 182).
   (b) Mean Score, 29.89.

   Number of students scoring between:
   (c) 0–15—1 or .65% of 153.
   (d) 16–20—5 or 3.3% of 153.
   (e) 21–25—28 or 18.3% of 153.
   (f) 26–30—54 or 35.3% of 153.
   (g) 31–35—51 or 33.33% of 153.
   (h) 36–40—14 or 9.15% of 153.
7. Reading Readiness Test—5/69
   (a) Total students tested, 162 (90.5% of 182).
   (b) Mean Score, 65.89 or 47%ile.

   Number of students scoring in percentiles between:
   (c) 0–15—29 (18% of 162).
   (d) 16–30—11 (6.8% of 162).
   (e) 31–45—22 (13.6% of 162).
   (f) 46–60—15 (9.25% of 162).
   (g) 61–75—34 (21% of 162).
   (h) 76–90—43 (26.5% of 162).
   (i) 90– —8 (5% of 162).

INTERCORRELATIONS

Criteria indicating lack of facility with English language skills or primary language skills in Spanish:

I	II	III	IV	V
2 (c) or (d)	3(b)	4(d) or (e)	6(c), (d) or (e)	7(d), (e) or (f)

Number of students with—
5 criteria: 12 or 7.4 percent.
4 criteria: 30 or 18.5 percent.
3 criteria: 59 or 36.4 percent.
2 criteria: 102 or 63 percent.
1 criteria: 162 or 100 percent.

1. I, 2(c) or (d) and II, 3(b) — 64 instances: 56+, 8(−) correlation coefficient=.875+
2. I, 2(c) or (d) and III, 4(d) or (e) — 41 instances: 28+, 13(−) correlation coefficients=.683+
3. II, 3(b) and III, 4(d) or (e) — 78 instances: 48+, 30(−) correlation coefficient=.615+
4. IV, 6(c), (d), or (e) and V, 7(d), (e), or (f) — 147 instances: 107+, 40(−) correlation coefficient=.728+

82–425—72——4

BEEVILLE INDEPENDENT SCHOOL DISTRICT

LANGUAGE SKILL DATA—SPANISH-SURNAMED 1ST GRADE STUDENTS

[Key: E=English; S=Spanish; E, S=English and Spanish; G=good; A=average; L=little; N=none]

Name and school	Home language— From information sheet	Home language— From IATOE form	English skills from Headstart application	Total IATOE score March 1969	Total IATOE score May 1969	Reading readiness test, May 1969 score/ percentile
I, II	III	IV	V	VI	VII	VIII
Acosto, Jose: Tyler		S	G	33	38	89/94
Aleman, Benito: Hill	E	S	L	19	30	63/39
Aleman, Lillie: Tyler		S	L	26	30	66/47
Alvarado, Ernesto: Jackson	E, S	S	L	22	31	71/61
Alvarado, R.: Hall	E	S	G	33	32	87/90
Arismendez, Gerald: Jackson		S	A	33	37	72/62
Arredondo, Amador: Jackson	S	S	A	24	26	48/14
Arredondo, Irene: Jackson	S	S	----------	22	30	64/41
Arredondo, Juan: Jackson	S	S	----------	----------	34	----------
Arredondo, Norma: Jackson	S	S	N	18	24	61/34
Arrisola, Reynaldo: Hall	S	S	N	25	23	27/02
Barrera, B.: Hall	S	----------	----------	35	28	74/66
Barrera, Jerry: Hall	E[1]	S	A	30	31	38/09
Barrera, Mary: Jackson	E, S	----------	A	27	32	72/62
Barrientes, Raymond: Jackson		S	A	29	35	43/04
Barron, Jerrell: Jackson	E	----------	----------	35	37	78/77
Basquez, Guadalupe: Jackson	E	S	----------	22	25	31-03
Benavide, O.: Hall	S	----------	----------	34	30	76/71
Benavidez, Lorraine: Hall	S	S	G	29	----------	----------
Borrego, Ruben: Hall	E[1]	S	L	18	24	24/04
Botello, Mary: Jackson		S	L	25	30	78/77
Cabazos, Neola: Tyler		S	A	33	38	89/94
Campos, Epimenio: Jackson	E, S	----------	----------	20	----------	70/59
Campos, Leonardo: Jackson	E, S	S	----------	27	30	71/61
Cano, D.: Hall	S	S	----------	28	29	60/34
Cano, M.: Hall	S	----------	----------	30	35	84/84
Cano, Virginia: Hall	S	S	A	24	30	46/12
Cantu, Mary: Tyler		S	A	24	3	63/69
Cardenas, Alphonso: Jackson	S	S	----------	21	18	43/11
Cardenas, Martin: Jackson	S	S	N	24	16	41/10
Cardenas, Santiago: Jackson	E, S	----------	L	19	18	36/08
Casso, Angelina: Jackson	E, S	S	L	26	30	58/31
Chapa, Lupe: Jackson	E	S	L	17	30	29/03
Chavarria, Jerry: Jackson		----------	----------	28	31	70/59
Contreras, Delia: Tyler		----------	G	32	38	84/84
Corrasco, Cynthia: Hall	S	----------	L	----------	----------	----------
Cortez, Carolina: Jackson	E, S	----------	----------	----------	----------	----------
Cristan, Joe: Tyler		----------	A	27	34	78/77
Cuellar, Alma Lue: Jackson	S	S	----------	22	27	67/50
Cuevas, Ernestine: Jackson	E, S	----------	----------	----------	----------	----------
Cuevas, Goventino: Jackson	E, S	----------	----------	----------	----------	72/62
Cumpian, Joe Ray: Jackson		S	L	29	31	72/62
DelaCruz, Belma: Jackson	E, S	S	----------	----------	31	49/15
Del Bosque, Judy: Tyler		S	A	31	36	81/81
Delgado, Antonio: Jackson		S	L	29	32	86/80
Dominguez, Rojerio: Hall	S	S	L	21	23	47/13
Elizalde, Sarah: Tyler		----------	A	32	32	83/83
Elodia, Dena: Jackson	E, S	S	----------	26	34	90/96
Esparza, C.: Hall	S	----------	----------	----------	----------	----------
Estrada, Jacinto: Jackson	E, S	----------	----------	23	30	77/74
Estrada, Oscar: Jackson		S	L	12	26	59/32
Flores, D.: Hall	E, S	----------	----------	----------	----------	36/08
Garcia, Adelaide: Jackson	E, S	----------	----------	31	37	91/98
Garcia, David: Jackson	E, S	----------	----------	28	27	----------
Garcia, Eugene: Hall	S	S	L	22	21	69/56
Garcia, Gene: Tyler		S	----------	23	28	74/66
Garcia, Herlenda: Jackson	E, S	S	N	30	33	87/90
Garcia, John: Tyler		S	L	26	25	64/41
Garcia, Johnny Lee: Tyler		----------	L	25	31	72/62
Garcia, Jose: Hall	S	S	----------	24	----------	66/47
Garcia, H.: Hall	S	S	----------	22	23	60/34
Garcia, M.: Tyler		----------	----------	31	31	----------
Garcia, Pedro: Tyler		----------	----------	26	30	67/50
Garcia, Placido: Tyler		S	L	32	31	82/82
Garcia, Renee: Jackson		S	L	25	29	40/10
Garcia, Timmy: Jackson		S	L	----------	----------	----------
Garza, Alfonso: Tyler		S	G	25	35	61/36
Garza, Erlinda: Jackson		----------	----------	----------	----------	----------
Garza, Lionel: Jackson	E, S	S	N	28	25	28/30
Garza, Nelda: Jackson		S	----------	27	30	66/47
Garza, Olga: Jackson	E, S	S	G	32	31	61/41

[1] "Yes," written in.

BEEVILLE INDEPENDENT SCHOOL DISTRICT—Continued

LANGUAGE SKILL DATA—SPANISH-SURNAMED 1ST GRADE STUDENTS—Continued

Name and school	Home language— From information sheet	Home language— From IATOE form	English skills from Headstart application	Total IATOE score March 1969	Total IATOE score May 1969	Reading readiness test, May 1969 score/ percentile
I, II	III	IV	V	VI	VII	VIII
Garza, Rita: Jackson	S			28	33	73/64
Gomez, Enulio: Hall	S	S	L	23	29	66/47
Gomez, Juan: Tyler		S	A	22		
Gomez, M.: Hall	S	S		19	28	32/04
Gomez, M. F.: Hall	E, S	S		27	35	62/38
Gomez, Marcelino: Hall	S	S	L	22	25	55/27
Gomez, Ruby Ann: Tyler			G	26	32	40/10
Gonzales, Jena: Tyler		E	G	31	35	80/80
Gonzales, Nieves: Tyler		S	L	21	26	78/77
Guajarda, Jerusa: Jackson	E, S			20	27	72/62
Guerma, J.: Hall	S	S		22	26	53/24
Guerra, R.: Hall	S					67/50
Guerrero, Melinda: Jackson	S			23	28	82/82
Guevera, Belinda: Jackson	E, S	S	L	30	32	73/69
Gutierrez, Manuel: Tyler		S	G	20	23, 18	
Hernandez, Angelita: Jackson	E, S					
Hernandez, Lydia: Jackson	E			31	33	39/10
Hernandez, Manuel: Jackson	E, S	S	L	31	37	84/84
Hernandez, Naomie: Tyler		S		26	30	82/82
Hernandez, R.: Hall	S					
Hernandez, Rita: Jackson	E, S		L			72/62
Hernandez, Senaida: Jackson	E, S	S	N	19	23	30/17
Herrara, Abram: Jackson	E, S			26	26	87/90
Jasso, R.: Hall	E					77/74
Keeler, Pablo: Jackson	S	S		24	15	35/06
Lara, B.: Hall	S					73/64
Longoria, Brigette: Tyler		S	G	32	39	79/79
Longoria, David: Hall	S	S	L	22	28	76/71
Longoria, Francisca: Hall	S	S	L	16	25	60/34
Longoria, J.: Hall				20	25	56/28
Lopez, Aldo: Tyler		S	L	32	30	63/39
Lopez, Frank: Tyler		E	G	35	35	74/66
Lopez, Johnny Lee: Jackson	E, S		L	26	32	73/64
Lopez, Jessy Lee: Jackson	E, S			27	32	82/82
Loya, Jayson: Tyler		S	G	28	31	31/03
Manuel, S.: Hall	S			25	28	
Martinez, Belinda: Hall		S	L	28	37	82/82
Martinez, [illegible]: Hall	S			28	33	81/81
Martinez, [illegible]: Hall				25	34	58/31
Martinez, J.: Tyler		S		30		
Martinez, Lupita: Jackson	E, S			33	35	86/88
Martinez, Ricardo: Hall		S	L	25	29	70/59
Medina, Rardy: Hall		S	L	30	30	82/82
Melchor, E.: Hall	S			25	31	79/79
Melchor, Mary: Hall	E	S	A	18	28	61/36
Montez, O.: Hall		S		33	24	82/82
Montez, Velma: Hall	S	S	A	26	29	70/59
Morales, Jose: Jackson	E, S			26	31	86/88
Moreno, Adrian: Jackson				30	35	86/88
Moreno, A.: Hall	S			26	31	54/26
Moron, Conception: Jackson	E, S	S		27	35	73/64
Moron, James: Jackson	E, S		G	26	31	86/88
Munoz, Iysabel: Jackson	E, S	S	L	27	31	75/69
Muroz, J.: Tyler	E	S		34		78/77
Ochoa, Frank: Jackson	E, S					37/08
Ochoa, Olga: Jackson		S		20	25	44/11
Olivarez, F.: Jackson	E, S				25	
Orozca, Ernesto: Jackson	E, S	S	L	21	24	71/61
Ortiz, Ronald: Tyler			G	30	32	59/32
Ortiz, Stella: Jackson	E, S	S		21	24	71/61
Osuna, I.: Hall	S			25	32	90/96
Palacias, Thelma: Tyler		S	G	33	33	80/80
Pardo, Martin: Jackson			A	29	31	79/79
Perez, B.: Tyler	S					
Perez, Elsa: Tyler		S	A	29	32	89/94
Perez, J.: R. A. Hall	S	S		18	20	40/19
Perez, Martin: Jackson		S	L	25	28	51/19
Perez, N.: Hall	S			8	28	81/81
Perez, S.: Hall	S	S		25	22	78/77
Puga, Adeloine: Hall	S	S	L	18	22	27/2
Puga, Carlos: Jackson	E, S	S	L	23	25	80/80
Puga, E.: Jackson	S	S		26	24	56/28
Ramirez, Sylvia: Jackson	E, S	S	L	27	30	59/32
Ramon, Mary Jane: Jackson	E, S	S	A	21	27	59/32

BEEVILLE INDEPENDENT SCHOOL DISTRICT—Continued

LANGUAGE SKILL DATA—SPANISH-SURNAMED 1ST GRADE STUDENTS—Continued

Name and school	Home language— From information sheet	Home language— From IATOE form	English skills from Headstart application	Total IATOF score March 1969	Total IATOE score May 1969	Reading readiness test, May 1969 score/ percentile
I, II	III	IV	V	VI	VII	VIII
Ramon, Trinidad: Jackson	E			21	30	52/22
Ramos, Rene: Jackson		S		29	38	81/81
Rendon, N.: Hall	S			23	31	81/81
Reyes, Orlando: Jackson	E, S		L	24		61/36
Reyna, Ralph: Tyler			G	30	34	86/88
Rincon, Jimmy: Jackson	E	S	L	30	22	83/83
Rivas, Alicia: Hall			L			69/56
Rodriguez, M. C.: Hall	S	S		29	33	75/69
Rodriguez, Rene: Jackson	S			32	35	71/61
Rodriguez, Sandra: Tyler		S	A	33	39	76/71
Rodriguez, V.: Hall		S		17	29	46/12
Ruiz, Grace: Tyler			L			76/71
Saenz, A.: Jackson	S	S		26	31	71/61
Salas, Arthur: Jackson	S	S		16	26	50/17
Salazar, Sandra: Tyler		S	G	31	37	86/88
Saldivar, Augustine: Jackson					29	79/79
Salinas, Felipe Tyler			A	28	34	71/61
Sanchez, Geronimo: Jackson	S	S	G	29	30	76/71
Sanchez, Patricia: Hall			G			
Sauceda, Norma: Tyler			A	35	33	73/64
Serrano, J.: Hall						60/34
Serrano, Reynaldo: Hall	E[1]					71/61
Servantes, Elsa: Hall	E		L			
Suniga, Gracida: Hall	S	S	L	24	25	45/12
Suniga, T.: Hall	S	S	L	21	29	56/28
Tapia, Linda: Tyler		S	A	27	35	59/32
Trego, Diana: Tyler		S	A	25	28	68/53
Trevino, Ernest: Jackson	E, S	S	L	29	30	66/47
Valdez, Angel: Hall	S	S	L	27	27	44/11
Vasquez, Hector: Tyler				33	36	87/90
Vasquez, Nora: Tyler		S	G	22	27	49/15
Vega, R.: Hall	S	S		35	35	70/59
Vela, Adolph: Jackson		E	G	31	33	82/82
Vidoure, Teresa: Jackson		S	A	27	29	81/81
Vidria, Ricardo: Tyler		S	L	24	26	47/13
Vidrio, Rodolfo: Tyler		S	A	29	30	73/64
Villa, R.: Hall	S	S		23	29	88/92

[1] "Yes," written in.

Charts II—Beeville Independent School District Analysis of Iowa Test of Basic Skills Scores, and Percentile Rankings of Third Grade and Sixth Grade Students—1969–70

BEEVILLE INDEPENDENT SCHOOL DISTRICT

COMPARISON OF PERCENTILE RANKINGS OF 3D GRADE AND 6TH GRADE STUDENTS ON IOWA TEST OF BASIC SKILLS—1969–70 (ALL SCHOOLS)

[Percentile]

	3d grade students (381)	6th grade students (288)	Variation
General vocabulary:			
Spanish-surnamed students	35	21	−14
Non-Spanish-surnamed students	52	49	−3
Language usage:			
Spanish-surnamed students	45	44	−1
Non-Spanish-surnamed students	54	54	
Composite:			
Spanish-surnamed students	45	0	−15
Non-Spanish-surnamed students	61	58	−3

SAMPLE

3d grade: 208 Spanish-surnamed students; 173 non-Spanish-surnamed students.
6th Grade: 128 Spanish-surnamed students; 160 non-Spanish-surnamed students.

SELECTED SCORES ON IOWA TEST OF BASIC SKILLS, 1969-70

3D GRADE STUDENTS

	Sec. 1	Sec. 2	Sec. 3	Sec. 4	Sec. 5	All sections	All schools
FMC ELEMENTARY SCHOOL							
Number of students enrolled	20	23	19	20	.....	82	381
Number of Spanish-surnamed (SS) students enrolled	7	3	6	6	.....	22	208
Number of non-Spanish-surnamed (NSS) students enrolled	13	20	13	14	.....	60	173
General vocabulary:							
Average score in percentile:							
All students	39.2/54	38/52	37/49	39.4/54	.....	38.4/52	34.6/44
SS students	39.0/54	28/22	25.2/17	35.1/44	.....	32.7/38	31.8/35
NSS students	39.2/54	39.5/59	42.3/65	41.2/62	.....	40.4/59	38.2/52
Average ethnic deviation (percentiles)	0	37	48	18	.....	21	17
Percent of NSS students below SS average	46.1	5	0	14.3	.....	15	25.2
Language usage:							
Average score in percentile:							
All students	41.1/62	38.7/54	41.2/60	38.6/54	.....	39.8/56	36.9/49
SS students	38.1/52	25.7/24	32.3/36	34.7/45	.....	33.9/42	34.9/45
NSS students	41.3/62	40.7/58	45.8/68	40.2/56	.....	41.8/60	39.3/54
Average ethnic deviation (percentiles)	10	34	32	11	.....	18	9
Percent of NSS students below SS average	46.1	10	15.4	35.7	.....	25	31
Composite:							
Average score in percentile:							
All students	39.8/59	40.1/61	40.9/64	39.1/58	.....	40/61	37.5/55
SS students	37.5/52	32.7/38	30.2/27	35.3/45	.....	34.3/41	35.3/45
NSS students	40.8/62	41.2/64	45.1/76	40.6/64	.....	41.8/68	40/61
Average ethnic deviation (percentiles)	10	26	49	19	.....	13	16
Percent of NSS student below SS average	39.7	5.0	7.7	21.4	.....	15.0	24.3
TYLER ELEMENTARY SCHOOL							
Number of students enrolled	29	27	28	28	27	139	381
Number of Spanish-surnamed (SS) students enrolled	9	12	10	10	12	53	208
Number of non-Spanish-surnamed (NSS) students enrolled	20	15	18	18	15	86	173
General vocabulary:							
Average score in percentile:							
All students	36.10/47	36/47	38.4/52	30.8/33	37.1/49	35.7/47	34.6/44
SS students	31.88/35	31/33	34.7/41	27.3/22	34.4/41	31.8/35	31.8/35
NSS students	38.00/52	40/57	40.8/62	32.7/38	40.3/59	38.2/52	38.2/52
Average ethnic deviation (percentiles)	17	24	21	16	18	17	17
Percent of NSS students below SS average	15.0	6.66	16.7	33.0	26.7	19.7	25.2
Language usage:							
Average score in percentile:							
All students	39.80/56	34.8/45	41.6/60	33.8/42	33.8/42	36.8/49	36.9/49
SS students	39.44/54	27.6/28	36.8/49	33.1/40	33.1/40	33.6/42	34.9/45
NSS students	40.00/56	39.7/56	44.3/72	34.1/42	34.1/43	38.6/54	39.3/54
Average ethnic deviation (percentiles)	2	28	23	2	3	12	9
Percent of NSS students below SS average	33.0	26.7	22.2	55.5	26.7	33.3	31.0
Composite:							
Average score in percentile:							
All students	39.50/61	37.3/51	42.4/67	34.1/41	38.3/56	38.3/56	37.5/55
SS students	38.33/56	32.3/36	38.4/56	32.5/38	34.7/45	35.1/45	35.3/45
NSS students	40.35/62	41.4/65	44.5/76	35.0/45	41.7/67	40.1/61	40/61
Average ethnic deviation (percentiles)	6	29	20	7	22	16	16
Percent of NSS students below SS average	40.0	13.3	33.3	27.8	33.3	30.2	24.3
HALL ELEMENTARY SCHOOL							
Number of students enrolled	24	25	25	.....		74	381
Number of Spanish-surnamed (SS) students enrolled	15	16	19	.....		50	208
Average number of non-Spanish-surnamed (NSS) students enrolled	9	9	6	.....		24	173
General vocabulary:							
Average score in percentile:							
All students	29.3/27	31.9/35	28.3/25	.....		29.8/30	34.6/44
SS students	27.9/25	30.3/30	27.3/22	.....		28.4/25	31.8/35
NSS students	31.6/35	34.2/41	33.3/38	.....		33/38	38.2/52
Average ethnic deviation (percentiles)	10	11	16	.....		13	17
Percent of NSS students below SS average	33.3	22.2	16.7	.....		25.0	25.2

SELECTED SCORES ON IOWA TEST OF BASIC SKILLS, 1969 —Continued

3D GRADE STUDENTS—Continued

	Sec. 1	Sec. 2	Sec. 3	Sec. 4	Sec. 5	All sections	All schools
HALL ELEMENTARY SCHOOL—Con.							
Language usage:							
Average score in percentile:							
All students	30. 4/30	35. 2/45	33. 5/42			33. 1/40	36. 9/49
SS students	30. 9/33	34. 6/45	31. 4/35			32. 3/38	34. 9/45
NSS students	29. 4/27	36. 4/47	40. 2/56			34. 7/45	39. 3/54
Average ethnic deviation (percentiles).	−6	2	21			7	9
Percent of NSS students below SS average.	55. 6	44. 4	16. 7			41. 7	31. 0
Composite:							
Average score in percentile:							
All students	30. 4/27	35. 2/45	32. 6/38			32. 8/38	37. 5/55
SS students	29. 4/23	34. 3/41	31. 4/30			31. 7/34	35. 3/45
NSS students	32. 1/34	36. 7/51	36. 3/48			34. 9/45	40/61
Average ethnic deviation (percentiles).	11	10	18			11	16
Percent of NSS students below SS Average.	44. 4	11. 1	16. 7			25, 0	24. 3
JACKSON ELEMENTARY SCHOOL							
Number of students enrolled	29	30	27			86	381
Number of Spanish-surnamed (SS) students enrolled	27	29	27			83	208
Number of non-Spanish-surnamed (NSS) students enrolled	2	1	0			3	173
General vocabulary:							
Average score in percentile:							
All students	31. 9/35	35. 4/44	33. 1/38			33. 5/41	34. 6/44
SS students	31. 8/35	35. 4/44	33. 1/38			33. 5/41	31. 8/35
NSS students	38. 0/52	42/65				37. 1/49	38. 2/52
Average ethnic deviation (percentiles)	17	21				8	17
Percent of NSS students below SS average	0	0				0	25. 2
Language usage:							
Average score in percentile:							
All students	32. 9/40	47. 4/70	31. 6/36			37. 5/53	36. 9/49
SS students	33/40	47. 4/70	31. 6/36			37. 5/53	34. 9/45
NSS students	36/47	58/89				43. 3/62	39. 3/54
Average ethnic deviation (percentiles)	7	19				9	9
Percent of NSS students below SS average	0	0				0	31
Composite:							
Average score in percentile:							
All students	34. 2/41	46/78	33. 2/38			38/54	37. 5/55
SS students	34. 0/41	46/78	33. 2/38			37. 9/54	35. 3/45
NSS students	41. 0/64	45/76				42. 3/67	40/61
Average ethnic deviation (percentiles)	23	−2				13	16
Percent of NSS students below SS average	0	100				33. 3	24. 3
6TH GRADE STUDENTS							
R. A. HALL ELEMENTARY SCHOOL							
Number of students enrolled	27	27				54	288
Number of spanish-surnamed (SS) students enrolled	16	18				34	128
Number of non-Spanish-surnamed (NSS) students enrolled	11	9				20	160
General vocabulary:							
Average score in percentile:							
All students	55. 2/25	53. 3/22				54. 3/24	49. 9/35
SS students	46. 3/13	50. 1/19				48. 3/17	50. 8/21
NSS students	68. 2/52	59/33				64/43	67. 4/49
Average ethnic deviation in percentile	39	14				26	28
Percent of NSS students below SS average	0	22. 2				10	14. 7

SELECTED SCORES ON IOWA TEST OF BASIC SKILLS, 1969-70—Continued

3D GRADE STUDENTS—Continued

	Sec. 1	Sec. 2	Sec. 3	Sec. 4	Sec. 5	All sections	All schools
R. A. ELEMENTARY SCHOOL—Con.							
Language usage:							
Average score in percentile:							
All students	65.5/49	62.1/42				63.8/46	67.2/49
SS students	61.5/42	63.7/45				62.7/44	62.8/44
NSS students	71/56	58.9/37				65.6/49	70.3/54
Averate ethnic deviation in percentile	14	8				5	10
Percent of NSS stucents below SS average	18.2	55.6				36.9	36
Composite:							
Average score in percentile:							
All students	63.8/44	59.5/34				61.7/39	64.7/46
SS students	58.1/30	47.3/30				57.7/30	57.9/30
NSS students	72/63	63.8/44				63.3/54	69.5/58
Average ethnic deviation in percentile	33	14				24	28
Percent of NSS students below SS average	9.1	22.2				75	15.6
FMD ELEMENTARY SCHOOL							
Number of students enrolled	25	25	26			76	288
Number of spanish-surnamed (SS) students enrolled	5	10	7			2	128
Number of non-Spanish-surnamed (NSS) students enrolled	20	15	19			54	150
General vocabulary:							
Average score in percentile:							
All students	60.1/35	56.8/29	66.3/47			61.1/37	59.9/35
SS students	53.4/22	49/18	55.6/27			52.1/21	50.8/21
NSS students	62.5/41	62.7/41	70.2/56			65.3/45	67.4/49
Average ethnic deviation (percentiles)	19	23	29			24	28
Percent of NSS students below SS average	15	13.3	10.5			13	14.7
Language usage:							
Average score in percentile:							
All students	63.0/44	65.1/47	70/54			66/49	67.2/49
SS students	58.4/37	56.8/35	67/49			60.4/39	62.8/44
NSS students	64.2/45	66.6/49	71.2/56			67.3/50	70.3/54
Average ethnic deviation (percentiles)	8	14	7			11	10
Percentage of NSS students below SS average	45	23	52.6			40.4	36.4
Composite:							
Average score in percentile:							
All students	62.5/42	62.1/39	67.9/54			64.2/44	64.7/46
SS students	53/20	55.6/26	60/34			56.4/26	57.9/30
NSS students	65/46	65.5/49	70.8/60			67.2/51	69.5/58
Average ethnic deviation (percentiles)	26	14	7			11	10
Percent of NSS students below SS average	20	7.7	5.3			11	15.6
JACKSON ELEMENTARY SCHOOL							
Number of students enrolled	24					24	288
Number of spanish-surnamed (SS) students enrolled	24					24	128
Number of non-Spanish-surnamed (NSS) students enrolled	0					0	160
General vocabulary:							
Average score in percentile:							
All students	53.3/23					53.3/23	59.9/35
SS students	53.3/23					53.3/23	50.8/21
NSS students							
Average ethnic deviation (percentiles)							
Percent of NSS students below average							

SELECTED SCORES ON IOWA TESTS OF BASIC SKILL -70—Continued

3D GRADE STUDENTS—Continued

	Sec. 1	Sec. 2	Sec. 3	Sec. 3	Sec. 5	All sections	All schools
JACKSON ELEMENTARY SCHOOL—Con.							
Language usage:							
Average score in percentile:							
All students	62.5/44					62.5/44	67.2/49
SS students	62.5/44					62.5/44	62.8/44
NSS students							
Average ethnic deviation (percentiles)							
Percent of NSS students below SS average							
Composite:							
Average Score percentile:							
All students	58.8/32					58.8/32	64.7/46
SS students	58.8/32					58.8/32	47.9/30
NSS students							
Average ethnic deviation (percentiles)							
Percent of NSS students below SS average							
MADDERRA-FLOURNOY ELEMENTARY SCHOOL							
Number of students enrolled	26	27	27	27	27	134	288
Number of Spanish-surnamed (SS) students enrolled	11	9	10	7	11	48	128
Number of non-Spanish-surnamed (NSS) students enrolled	15	18	17	20	16	86	160
General vocabulary:							
Average score in percentile:							
All students	60.2/35	66.4/47	65.1/43	60.9/37	60.8/37	62.7/41	59.9/35
SS students	45.6/13	53.6/24	55.3/25	50.9/19	49/17	50.7/20	50.8/21
NSS students	70.8/58	72.9/63	71.2/62	64.5/45	68.9/54	69.5/56	67.4/49
Average ethnic deviation (percentiles)	45	39	37	28	37	36	28
Percent of NSS students below SS average	0	5.6	23.5	10	12.5	17.6	14.7
Language usage:							
Average score in percentile:							
All students	68.2/51	75.0/62	68.1/51	69.2/54	69.8/56	70/56	67.2/49
SS students	54.2/26	68.0/51	68.8/53	64.1/45	67.5/51	64.3/45	62.8/44
NSS students	78.5/69	78.4/67	67.7/51	71/56	73.3/62	73.6/62	70.3/5
Average ethnic deviation (percentiles)	43	16	−2	11	11	17	1
Percent of NSS students below SS average	0	22.2	41.2	40	31.2	33.8	36.4
Composite:							
Average score in percentile:							
All students	66.4/49	70.5/60	66.9/51	66.5/51	65.7/49	67.2/51	64.7/46
SS students	56.4/26	61.9/39	52.9/20	62.9/41	59.4/32	58.3/30	57.9/30
NSS students	73.8/68	74.8/70	69.7/58	68/54	70.1/58	71.2/60	69.5/58
Average ethnic deviation (percentiles)	42	31	38	13	26	30	28
Percent of NSS students below SS average	0	11.1	11.8	30	18.8	18.3	15.6

Charts III—Analysis of Scores and Percentile Rankings of Selected Spanish Surnamed Eighth Grade Students on Standardized Tests Measuring Verbal Skills—1969–70

ANALYSIS OF SCORES AND PRECENTILE RANKINGS OF SELECTED SPANISH-SURNAMED 8TH GRADE STUDENTS ON STANDARDIZED TESTS MEASURING VERBAL SKILLS (1969–70)

Analysis item	Sampled students receiving higher percentile rankings		Sampled students receiving lower percentile rankings		Average gain (+) or decline (−) of sampled students	Average variation of sampled students
	Number	Percent	Number	Percent		
Comparison of percentile rankings of sampled students showing individual progress:						
Col. I versus col. V	10	30.0	23	70.0	[1] 16.9	(-)
Col. I versus col. VII	5	16.0	26	84.0	[1] 20.5	(-)
Col. III versus col. VI	7	18.0	31	82.0	[1] 15.3	(-)
Col. IV versus col. VII	14	39.0	22	61.0	[1] 15.1	(-)
Col. V versus col. VII	4	10.0	36	90.0	[1] 16.5	(-)
Comparison of percentile rankings of sampled students versus average percentile rankings of non-Spanish-surnamed students:						
Col. I (59)	5	10.0	44	90.0	(-)	[1] 29.0
Col. II (52)	8	7.0	105	93.0	(-)	[1] 29.5
Col. III (59)	29	25.7	84	74.3	(-)	[1] 28.5
Col. IV (58)	18	16.0	94	84.0	(-)	[1] 33.8
Col. V (36.4) [3]	13	14.8	75	85.2	(-)	[1] 10.4
Col. VI (38.7) [3]	28	32.0	60	68.0	(-)	[1] 11.2
Col. VII (37.6) [3]	20	22.7	68	77.3	(-)	[1] 8.0

[1] Percentile average of declining students only.
[2] Not available.
[3] Comparison with 1965–66 districtwide averages.

8TH GRADE STUDENTS (60 OF 334 STUDENTS) 1969–70

Name	Lorge Thorndike intelligence test, level E (7th grade) verbal battery, raw score/percentile	Iowa test of basic skills, 5th* or 6th grade (grade equivalent/grade percentile)			Iowa test of basic skills, 3d grade (grade equivalent/grade percentile)		
		General vocabulary	Language usage	Composite	General vocabulary	Language usage	Composite
	I	II	III	IV	V	VI	VII
Alaniz, Eva	26/12	38/6	51/-5	49/12	26/20	35/45	27/15
Aleman, Adelaida		26/1	76/64	51/16	26/20	13/40	31/30
Aleman, Reyes	42/46	44/11	65/47	56/26			
Alvarado, Margarita	27/14	35/4	68/51	53/20	36/47	39/54	36/48
Amulong, Jamie							
Baggio, Mario	51/67	73/63	87/81	77/74	53/91	52/80	50/88
Baggio, Miguel	51/67	66/47	82/73	74/68	32/35	49/74	38/55
Baldarramos, Janie	29/17	41/9	68/51	50/14	22/11	21/12	20/12
Barrientes, David	37/34	47/15	62/42	51/16	30/30	28/28	34/41
Benavides, Alfredo		32/2	62/42	47/09	26/20	21/12	30/27
Benavides, Rosa	22/07	54/24	49/23	55/24	20/07	24/19	26/12
Botello, Elsa	41/43	64/43	82/73	67/51	33/38	44/64	37/51
Campos, Baldemar	28/15	56/27	64/47	60/34			
Cano, Rosemarie		*40/16	*48/33	*44/17	24/15	26/24	30/27
Cantu, Graciela	27/14	61/37	76/64	57/28			
Casares, Gloria	32/23	56/27	54/30	53/20			
Castillo, Lillie	25/10	38/06	49/23	45/06	26/20	26/24	26/12
Castillo, Mary Jane	34/28	64/43	71/56	58/30			
Cavasos, Josie		32/02	46/19	46/07	22/11	28/28	27/15
Del Bosque, Josie	27/17	47/25	43/15	53/20	28/25	37/49	34/41
De Leon, Josie Richard	41/43	56/27	74/60	71/60	37/49	50/76	43/70
Elizaloe, Amalia	37/34	54/24	65/47	59/32	28/25	37/49	37/51
Esparza, Frares		*22/01	*39/19	*32/01	18/05	24/19	28/19
Espinosa, Amelia	43/48	70/56	51/25	63/42	38/52	44/64	39/58
Galarza, Guadelope	22/07	26/01	43/15	45/6			
Garcia, Diana	25/10	41/09	60/39	51/16	37/49	32/38	38/55
Garcia, Hector	40/41	64/43	82/73	64/44	40/59	46/68	40/61
Garcia, Irma	37/34	56/27	65/47	54/22	33/38	46/68	40/61
Garcia, Reyes	30/19	50/19	36/07	50/14	30/30	30/33	30/27
Garza, Mary Lou	19/04	60/35	43/15	49/12			
Garza, Yolanda	32/23	56/27	71/56	60/34			

8TH GRADE STUDENTS (60 OF 334 STUDENTS) 1969-70—Continued

Name	Lorge Thorndike intelligence test, level E (7th grade) verbal battery, raw score/percentile	Iowa test of basic skills, 5th* or 6th grade (grade equivalent/grade percentile)			Iowa test of basic skills, 3d grade (grade equivalent/grade percentile)		
		General vocabulary	Language usage	Composite	General vocabulary	Language usage	Composite
	I	II	III	IV	V	VI	VII
Gonzales, Calistro	22/07	58/31	82/73	56/26	37/49	43/62	37/51
Gonzales, Ernest	22/07	52/21	57/35	50/14	25/25	15/02	27/15
Guerrero, Carlos	35/30	44/11	49/23	58/30			
Guerrero, Diana	42/46	60/35	93/89	78/76			
Guzman, Rita	41/43	*35/09	*56/43	*56/48			
Hernandez, Mary	48/60	56/27	76/60	65/46	33/38	43/62	37/51
Hernandez, Susano	28/15	44/11	54/30	47/09	33/38	21/12	31/30
Ledesma, Carlos	68/96	79/76	104/99	86/30	40/54	54/83	49/86
Lopez, Larry	31/21	44/11	49/23	51/16			
Maldanado, Abel	25/10	50/19	54/30	53/20	26/20	24/19	33/38
Maldanado, Johnny	36/32	56/27	87/81	65/46	42/65	44/64	48/83
Martinez, Melinda	47/58	66/47	76/64	70/58	34/41	43/62	42/67
Martinez, Robert		*42/19	*20/01	*38/06	30/30	24/19	30/27
Montez, Martin	42/46	62/39	76/64	76/72			
Morino, Amando		54/24	43/15	49/12	32/35	35/45	35/45
Moron, Federico	43/48	64/45	57/35	73/65	37/49	54/83	48/83
Ortiz, Sylvia	33/25	64/43	60/39	59/32	36/47	40/56	38/55
Paiz, Juan	34/28	50/19	49/23	57/28			
Posada, John	36/32	38/06	65/47	62/39			
Puga, Benito	33/25	50/19	54/30	53/20			
Pugzssen, Juanita		47/15	60/39	58/30	36/47	38/47	37/51
Salazar, Aurora		*42/19	*54/44	*47/24	24/15	35/45	31/30
Salazar, Richard	54/74	73/63	87/81	81/82	37/49	56/86	49/86
Segovia, Arturo	34/28	50/19	60/39	60/34			
Segovia, Mary	38/36	60/35	76/64	61/37			
Sehlke, Donnie	42/46	75/68	76/64	79/68			
Trevino, Esther		32/02	46/19	49/12			
Trevino, Ray	44/50	66/47	71/56	67/51	37/49	52/80	40/61

Charts IV—Assignment of Pupils to A. C. Jones High School, 1970–71 School Year

SUMMARY STATISTICS

9th Grade:

1. Average Deviation of classes from racial composition of grade level population, ±36.7%.
2. Average Maximum variance between sections of a course, 81.9%.

10th Grade:

1. Average Deviation of classes from racial composition of grade level population, ±47.2%.
2. Average Maximum variance between sections of a course, 67.0%.

11th Grade:

1. Average Deviation of classes from racial composition of grade level population, ±48.0%.
2. Average Maximum variance between sections of a course, 38.1%.

12th Grade:

1. Average Deviation of classes from racial composition of grade level population ±51.7%.
2. Average Maximum variance between sections of a course, 143.1%.

ASSIGNMENT OF PUPILS—A. C. JONES HIGH SCHOOL, 1970-71 SCHOOL YEAR, 9TH GRADE

Course	Total enrollment	Number of Spanish-surnamed pupils enrolled	Spanish-surnamed pupils as a percent of total enrollment	Deviation of Spanish-surnamed pupils enrolled from racial composition of grade level population expressed as a percent	Maximum variance among sections	Large-Thorndike intelligence test, level E, verbal battery				Verbal skill/assignment index	Ethnic group verbal skill/assignment index
						Average score of Spanish-surnamed pupils	Average score of non-Spanish-surnamed pupils	Ranking of Spanish-surnamed pupils as percentile of all Spanish-surnamed pupils at grade level	Ranking of non-Spanish-surnamed pupils as percentile of all non-Spanish-surnamed pupils at grade level		
	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
English I:											
All sections	346	144	42.6	±26.3(14.3)	153.0	38.6	46.7	65	50	−17.3	−22.2
Sec. 1	35	15	42.8	−13.9		41.0	49.5	73	59	−16.8	−20.8
Sec. 2	33	17	51.5	+3.5		35.3	43.6	50	39	+4.3	+4.5
Sec. 3	22	5	22.7	−54.3		47.2	59.4	87	80	−68.3	+118.8
Sec. 4	22	0	.7	−100.0			56.6		77		
Sec. 5	34	16	47.0	−5.4		43.6	45.0	84	45	−5.6	−10.5
Sec. 6	34	12	35.2	−29.2		37.3	40.9	55	29	−32.0	−60.7
Sec. 7	33	14	42.4	−14.7		36.2	49.7	52	59	−20.2	−17.8
Sec. 8	34	11	32.3	−35.0		40.3	45.3	69	45	−39.3	−60.3
Sec. 9	32	21	65.6	+24.2		35.5	45.0	52	45	+30.7	+35.5
Sec. 10	35	17	51.5	+3.5		35.9	37.4	52	16	+3.7	+12.0
Sec. 11	34	16	47.0	−5.4		33.4	41.6	38	29	−6.7	−8.2
Algebra I:											
All sections	231	92	39.8	±29.6(−19.9)	100.7	42.4	48.4	77	52	−22.7	−34.1
Sec. 1	35	18	51.4	+3.3		44.3	51.9	84	65	+3.9	+5.0
Sec. 2	26	6	23.0	−53.7		51.6	49.0	94	59	−51.0	−79.5
Sec. 3	30	10	33.3	−33.0		37.0	50.2	55	59	−44.8	−41.8
Sec. 4	26	16	61.5	+19.2		33.0	43.2	62	37	+21.8	+36.5
Sec. 5	36	13	36.1	−27.4		34.6	45.8	59	47	−36.3	−38.6
Sec. 6	28	6	21.4	−56.9		51.5	56.4	94	77	−62.3	−74.4
Sec. 7	31	15	48.3	−28.2		45.0	46.0	87	47	−28.9	−53.5
Sec. 8	19	8	42.1	−15.3		37.4	44.9	55	45	−18.4	−22.5

ASSIGNMENT OF PUPILS—A. C. JONES HIGH SCHOOL, 1970-71 SCHOOL YEAR, 9TH GRADE—Continued

Course	Total enrollment	Number of Spanish-surnamed pupils enrolled	Spanish-surnamed pupils as a percent of total enrollment	Deviation of Spanish-surnamed pupils enrolled from racial composition of grade level population expressed as a percent	Maximum variance among sections	Lorge-Thorndike intelligence test, level E, verbal battery					
						Average score of Spanish-surnamed pupils	Average score of non-Spanish-surnamed pupils	Ranking of Spanish-surnamed pupils as percentile of all Spanish-surnamed pupils at grade level	Ranking of non-Spanish-surnamed pupils as percentile of all non-Spanish-surnamed pupils at grade level	Verbal skill/assignment index	Ethnic group verbal skill/assignment index
I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
Algebra 1h:											
All sections	37	6	16.2	67.1(−67.4)	72.2	50.9	60.2	92	83	−85.4	−100.8
Sec. 1h	18	4	22.2	−55.3		55.5	54.7	96	74	−54.5	−-70.7
Sec. 2h	19	2	10.5	−78.9		46.3	65.6	87	93	−111.8	−104.6
Rel. math 1:											
All sections	173	120	69.4	+28.1(+28.4)	16.7	35.7	36.5	52	15	+29.0	+94.3
Sec. 1	29	22	75.8	+34.4		34.6	37.3	50	16	+24.4	+83.9
Sec. 2	28	18	64.2	+22.6		32.7	39.5	38	24	+27.3	+39.9
Sec. 3	29	20	68.9	+27.9		35.6	37.6	52	17	+29.5	+90.2
Sec. 4	29	21	72.4	+31.4		36.8	38.0	55	16	+32.4	+104.8
Sec. 5	29	20	68.9	+27.9		35.3	30.5	52	8	+23.4	+81.1
Sec. 6	29	19	65.5	+24.1		38.0	36.3	62	15	+23.0	+83.9
Physical science 1:											
All sections	203	74	36.5	±31.1(−26.5)	122.0	38.9	49.7	65	59	−33.9	−37.3
Sec. 1	21	3	14.2	−71.4		32.3	48.1	35	52	−106.3	−124.4
Sec. 2	28	9	32.1	−35.4		37.0	46.0	55	47	−44.8	−51.5
Sec. 3	22	13	59.0	+15.7		41.4	44.2	73	39	+16.8	+31.5
Sec. 4	22	8	36.3	−26.9		36.8	55.3	55	16	−40.4	−138.9
Sec. 5	27	13	48.1	−3.2		45.2	49.1	87	54	−3.5	−5.6
Sec. 6	27	9	33.3	−33.0		35.2	49.2	50	54	−46.1	−42.7
Sec. 7	28	9	32.1	−35.1		46.2	49.1	87	54	−37.6	−60.6
Sec. 8	28	10	35.7	−28.1		37.3	56.8	55	78	−42.8	−30.2

Physical science II:											
All sections	131	85	64.9	±23.0(+23.4)	17.3	34.4	37.8	44	17	+25.7	+66.5
Sec. 1	32	29	52.5	+20.4		33.7	42.0	44	31	+25.4	+36.1
Sec. 2	32	23	71.8	+30.7		36.6	38.0	55	17	+31.9	+103.2
Sec. 3	34	22	64.7	+23.1		30.7	37.1	31	16	+27.9	+54.1
Sec. 4	33	20	60.6	+17.9		36.7	34.0	55	13	+16.6	+70.2
Western geography:											
All sections	132	71	53.8	±21.6(+7.0)	65.1	34.9	47.8	50	52	+10.4	+10.0
Sec. 1	25	10	40.0	−19.5		37.0	51.6	55	65	−27.2	−23.0
Sec. 2	27	11	40.7	−18.1		41.0	48.1	73	52	−21.2	−29.8
Sec. 3	28	21	75.0	+33.7		36.0	43.8	52	39	+41.0	+54.7
Sec. 4	25	11	44.0	−11.4		46.0	55.2	87	74	−13.7	−16.1
Sec. 5	27	18	66.6	+25.3		39.5	40.3	65	26	25.8	+68.5
Latin I:											
All sections	67	11	16.4	±66.9(−67.0)	107.9	50.8	51.1	92	60	−67.4	−102.2
Sec. 1	22	6	27.2	−45.2		48.0	38.8	88	24	−36.5	−133.8
Sec. 2	21	2	9.5	−80.8		50.5	56.6	91	78	−90.6	−106.9
Sec. 3	24	3	12.5	−74.8		54.0	58.0	95	78	−80.3	−97.8

ASSIGNMENT OF PUPILS, A. C. JONES HIGH SCHOOL—1970–71 SCHOOL YEAR—10TH GRADE

Course	Total enrollment	Number of Spanish-surnamed (SS) pupils enrolled	SS pupils as a percent of total enrollment	Deviation of SS pupils enrolled from racial composition of grade level population expressed as a percent	Maximum variance among sections (percent)
I	II	III	IV	V	VI
English II:					
All sections	312	127	40.7	±30.6(−19.6)	141.3
Sec. 1	32	16	50.0	+1.2	
Sec. 2	28	9	32.1	−36.6	
Sec. 3	29	16	55.1	+8.2	
Sec. 4	24	1	.04	−100.0	
Sec. 5	16	0	0	−100.0	
Sec. 6	29	9	31.0	−38.7	
Sec. 7	26	12	46.1	−8.9	
Sec. 8	32	16	50.0	+1.2	
Sec. 9	33	17	51.5	+1.8	
Sec. 10	31	19	57.5	+12.0	
Sec. 11	33	12	36.3	−28.3	
Plane Geometry:					
All sections	139	42	30.2	±40.2(−40.3)	51.6
Sec. 1	27	10	37.0	−26.9	
Sec. 2	28	6	21.4	−57.7	
Sec. 3	27	10	37.0	−26.9	
Sec. 4	29	8	27.5	−45.7	
Sec. 5	28	8	28.5	−43.7	
Rel. math II:					
All sections	50	37	74.0	+31.6(+31.6)	2.7
Sec. 1	26	19	73.0	+30.7	
Sec. 2	24	18	75.0	+32.5	
Geometry II:					
All sections	36	1	3.8	−92.5(−94.5)	200.0
Sec. 1	23	0	0	−100.0	
Sec. 2	13	1	7.6	−85.0	
Biology I:					
All sections	141	48	34.0	±32.3(−32.8)	45.9
Sec. 1	24	9	37.5	−25.8	
Sec. 2	24	8	33.3	−34.2	
Sec. 3	23	8	34.7	−31.4	
Sec. 4	24	10	41.6	−17.7	
Sec. 5	23	7	30.4	−39.9	
Sec. 6	23	6	26.0	−48.6	
Biology II:					
All sections	99	59	59.6	±14.1(−15.1)	23.7
Sec. 1	31	16	51.6	+2.9	
Sec. 2	35	23	65.7	+22.9	
Sec. 3	33	20	60.6	+16.5	
Western history:					
All sections	275	131	47.6	±14.6(−5.9)	68.2
Sec. 1	42	28	66.6	+24.0	
Sec. 2	24	13	54.1	+6.4	
Sec. 3	31	15	48.3	−4.5	
Sec. 4	31	14	45.1	−10.8	
Sec. 5	41	14	34.1	−32.6	
Sec. 6	31	12	38.7	−23.5	
Sec. 7	38	17	44.7	−11.6	
Sec. 8	37	18	48.6	−3.75	
Spanish Ia:					
All sections	92	91	98.9	±48.9(+48.8)	2.5
Sec. 1	21	21	100.0	+49.4	
Sec. 2	41	40	97.5	+48.1	
Sec. 3	30	30	100.0	+49.4	
Spanish Ib:					
All sections	77	2	2.6	±94.8(−94.8)	0
Sec. 1	38	1	2.6	−94.8	
Sec. 2	39	1	2.6	−94.8	
Latin II:					
All sections	28	4	14.2	±71.9(−71.9)	0
Sec. 1	14	2	14.2	−71.9	
Sec. 2	14	2	14.2	−71.9	
11TH GRADE					
English III:					
All sections	237	105	44.3	±23.9(− 9.6)	76.9
Sec. 1	28	17	60.7	+19.3	
Sec. 2	28	9	32.1	−34.5	
Sec. 3	28	15	53.5	+8.4	
Sec. 4	34	14	41.1	−16.1	
Sec. 5	32	14	43.7	−10.8	
Sec. 6	32	20	62.5	+21.6	
Sec. 7	30	8	26.6	−45.7	
Sec. 8	25	8	32.0	−34.7	

ASSIGNMENT OF PUPILS, A. C. JONES HIGH SCHOOL—1970-71 SCHOOL YEAR—10TH GRADE—Continued

Course	Total enrollment	Number of Spanish-surnamed (SS) pupils enrolled	SS pupils as a percent of total enrollment	Deviation of SS pupils enrolled from racial composition of grade level population expressed as a percent	Maximum variance among sections (percent)
I	II	III	IV	V	VI
English IIIh:					
All sections	45	11	24.4	−50.6(−50.2)	50.4
Sec. 1	22	4	18.1	−63.1	
Sec. 2	23	7	30.4	−38.0	
Algebra II:					
All sections	83	25	30.1	−38.6(−38.6)	15.3
Sec. 1	29	8	27.5	−43.9	
Sec. 2	26	8	30.7	−37.4	
Sec. 3	28	9	32.1	−34.5	
Chemistry:					
All sections	47	14	29.4	±39.8(−40.0)	82.6
Sec. 1	24	10	41.6	−15.1	
Sec. 2	23	4	17.3	−64.6	
American History:					
All sections	212	113	53.6	±14.05(−8.5)	44.9
Sec. 1	35	23	65.7	+25.4	
Sec. 2	12	5	41.6	−15.1	
Sec. 3	45	19	42.2	−13.8	
Sec. 4	42	24	57.1	+14.1	
Sec. 5	11	6	54.5	−10.1	
Sec. 6	18	11	61.1	+19.8	
Sec. 7	11	5	45.4	−7.3	
Sec. 8	38	20	52.6	+6.8	
American history—CVAE:					
All sections	33	31	93.9	±47.8(+47.8)	.4
Sec. 1	17	16	94.1	+47.9	
Sec. 2	16	15	93.7	+47.7	
Spanish IIa:					
All sections	49	37	75.5	±35.3(+35.1)	32.4
Sec. 1	20	18	90.0	+45.5	
Sec. 2	29	19	65.5	+25.1	
Spanish IIb:					
All sections	43	0	0	−100.0	
Sec. 1	22	0	0	−100.0	
Sec. 2	21	0	0	−100.0	
12TH GRADE					
English IV:					
All sections	197	77	39.1	±31.75(−21.3)	159.8
Sec. 1	21	0	0	−100.0	
Sec. 2	28	11	39.2	−21.1	
Sec. 3	30	13	43.3	−12.9	
Sec. 4	30	11	36.6	−26.4	
Sec. 5	32	20	62.5	+20.5	
Sec. 6	27	13	48.1	−3.2	
Sec. 7	29	9	31.0	−37.6	
English IV—(RL): All sections	19	4	21.0	−57.8	
English IV—CVAE: All sections	29	27	93.1	+46.6	
Consumer math:					
All sections	107	51	47.7	±31.5(−4.0)	112.3
Sec. 1	29	12	41.3	+16.9	
Sec. 2	29	15	51.7	+3.9	
Sec. 3 advanced	20	1	5.0	−89.9	
Sec. 4	29	17	58.6	+15.2	
Advanced algebra:					
All sections	37	2	5.4	−89.5(−89.1)	194.4
Sec. 1	19	2	10.5	−78.9	
Sec. 2	18	0	0	−100.0	
Trigonometry:					
All sections	37	8	21.6	−59.2(−56.5)	34.2
Sec. 1	25	6	24.0	−51.7	
Sec. 2	12	2	16.6	−66.6	
Physics: All sections	20	3	15.0	−69.8	
American Government:					
All sections	209	85	40.7	±36.1(−18.1)	214.9
Sec. 1	54	14	25.9	−47.8	
Sec. 2 CVAE	30	28	93.3	+46.7	
Sec. 3	17	1	5.8	+88.3	
Sec. 4	18	8	44.4	−10.6	
Sec. 5	21	10	47.6	−4.2	
Sec. 6	24	5	20.8	+58.1	
Sec. 7	21	7	33.3	−33.0	
Sec. 8	24	12	50.0	+.6	
Spanish III: All sections	13	10	76.9	+35.1	

NONSPANISH SURNAMED 7TH-GRADE STUDENTS—LORGE THORNDIKE INTELLIGENCE TEST, VERBAL BATTERY, OCTOBER 1968

Score	Frequency	Percentile	Score	Frequency	Percentile
76	2	99	59	5	80
75	1	98	58	2	78
72	1	98	56	2	77
71	1	97	55	5	74
70	1	96	54	5	71
68	2	95	53	6	68
67	3	93	52	4	65
66	1	93	51	8	60
65	2	92	50	2	59
64	3	90	49	8	54
63	3	88	48	5	52
62	2	87	47	3	50
61	4	84	46	4	47
60	3	83			

SPANISH SURNAMED 7TH-GRADE STUDENTS—LORGE THORNDIKE INTELLIGENCE TEST, VERBAL BATTERY, OCTOBER 1968

68	1	99	42	6	77
61	1	99	41	6	73
58	3	97	40	7	69
55	2	96	39	7	65
54	1	95	38	5	62
53	2	94	27	10	55
51	3	92	36	5	52
50	1	91	35	4	50
49	2	90	34	10	44
48	3	88	33	10	38
47	2	87	32	5	35
45	1	87	31	6	31
44	4	84	30	9	26
43	5	80			

NONSPANISH SURNAMED 7TH-GRADE STUDENTS—LORGE THORNDIKE INTELLIGENCE TEST, VERBAL BATTERY, OCTOBER 1968

Score	Frequency	Percentile	Score	Frequency	Percentile
44	10	39	32	5	9
43	4	37	31	1	8
42	10	31	30	1	8
41	2	29	29	1	7
40	6	26	28	2	6
39	3	24	27	2	5
38	11	17	26	2	4
37	3	16	25	1	3
36	1	15	24	3	2
35	2	14	22	1	1
34	1	13	16	1	1
33	2	12	11	1	0

SPANISH SURNAMED 7TH-GRADE STUDENTS—LORGE THORNDIKE INTELLIGENCE TEST, VERBAL BATTERY, OCTOBER 1968

Score	Frequency	Percentile	Score	Frequency	Percentile
29	2	24	23	1	9
28	7	20	22	7	5
27	7	16	21	4	2
26	3	14	20	2	1
25	5	11	19	1	1
24	2	10	18	1	0

SUPPORTING INFORMATION

Terms used—

A = Percent of Spanish-surnamed pupils in all sections of a subject, taken as a whole.

A_1, A_2, A_3, A_4, A_5 = Percent of Spanish-surnamed pupils in each section of a subject.

A_x = Percent of Spanish-surnamed pupils in that section of a subject which has the "highest" percentage of such students.

A_y = Percent of Spanish-surnamed pupils in that section of a subject which has the "lowest" percentage of such students.

Θ = Percent of Spanish-surnamed pupils in the school population.

$F_1 \rightarrow F_N$ = Scores of Spanish-surnamed pupils in a given section.

G = Number of Spanish-surnamed pupils in a given section.

$H_1 \rightarrow H_N$ = Scores of non-Spanish-surnamed pupils in a given section.

i = Number of non-Spanish-surnamed pupils in a given section.

1970-71 school year:

Grade level population—9th grade:
- 49.7 percent Mexican-American.
- .8 percent Black.
- 49.5 percent Anglo.

Grade level population—10th grade:
- 50.6 percent Mexican-American.
- 1.5 percent Black.
- 47.9 percent Anglo.

Grade level population—11th grade:
- 49.0 percent Mexican-American.
- 3.5 percent Black.
- 47.3 percent Anglo.
- .2 percent Oriental.

Grade level population—12th grade:
- 49.7 percent Mexican-American.
- 1.7 percent Black.
- 48.6 percent Anglo.

Column V.—Let x = deviation of the percentage of Spanish surnamed from the grade level population—

$$\text{If } \Theta > A_1, \text{ then } x = \frac{\Theta - A_1}{\Theta}$$

$$\text{If } \Theta < A_1, \text{ then } x = \frac{A_1 - \Theta}{A_1}$$

Column VI—Let x = maximum variance between sections of a subject expressed as a percentage of Spanish-surnamed pupils in all sections—

$$x = \frac{A_x - A_y}{A}$$

Column VII—Let x = sum of the raw scores of Spanish-surnamed pupils enrolled in a given section divided by the number of Spanish-surnamed students enrolled—

$$x = \frac{F_1 \cdots + F_N}{G}$$

Column VIII—Let x = the sum of the raw scores of non-Spanish-surnamed pupils enrolled in a given section divided by the number of Spanish-surnamed students enrolled—

$$x = \frac{H_1 \cdots + H_N}{i}$$

Column XI—Let x = the verbal skill assignment index—

$$x = \frac{\text{Average score of non-Spanish-surnamed pupils (col. VIII)}}{\text{Average score of Spanish-surnamed pupils (col. VII)}}$$ Deviation of Spanish-surnamed pupils enrolled from racial composition of grade level (col. V).

Column XII—Let x = the ethnic group verbal skill assignment index—

$$x = \frac{\text{Ranking of Spanish-surnamed pupils as percentile of all Spanish-surnamed pupils at grade level (col. IX)}}{\text{Ranking of non-Spanish-surnamed pupils as percentile of all non-Spanish-surnamed pupils at grade level (col. X)}}$$ Verbal skill assignment Index (col. XI).

Review of Assignment of Children to EMR Classes

Operative Question.—Is the system for the assignment of children to special education classes for the mentally retarded operated or administered in a racially discriminatory fashion?*

A. What are the state requirements (usually accompanying special financial assistance programs) relating to EMR classes?

B. What standards does the school district maintain for assignment to EMR classes?

Three major types of discriminatory action are: (1) overinclusion of minority groups, (2) underinclusion of whites or Anglos and (3) different standards of effort for different ethnic groups.

*Class for the mentally retarded (hereafter referred to as EMR classes) refers to any class to which students are assigned other than by random, for causes related to alleged mental, learning or emotional deficiencies or problems, or any class which is historically traceable to the above-mentioned classes.

APPROACH ONE

On the basis of the state and local standards allegedly utilized for assignment of all children there has occurred an *overinclusion* of minority children.

a. Determine whether the percentage of minority children (each minority groups) in EMR classes within a school exceeds by 5% minority children as a percent of all children at chronological age level in the school.

b. Review the cumulative records/assignment records of all children assigned to EMR classes, and note whether any of children (note race or national origin) assigned fail to meet the standards for assignment set up by the state or local school system.

For example:

(a) No individually administered IQ test administered
(b) Test which was administered not on state approved list
(c) IQ test score was higher than state and local standard
(d) No record (or incomplete record) of parental permission having been given
(e) No teacher referral memorandum
(f) No periodic review of placement
(g) No medical examination

POINT TWO

On the basis of the state and local standards allegedly utilized for assignment of all children there has occurred an *underinclusion* of white or Anglo children.

a. Determine whether the percentage of white or Anglo children in EMR classes within a school differs by 5% or more from white or Anglo children as a percent of all children at chronological age level in the school.

b. Review the cumulative records of all children considered for assignment to EMR classes and note whether any children *not* assigned to EMR classes met the *objective* standards (test scores etc.) for assignment set up by the state and local school system. Record ethnic identification and which *subjective* standards, if any, were not met and which, if any, were.

c. Review the group intelligence scores of early elementary school (eg. Beeville 3rd grade ITBS) and screen for those scores which (in the test manufactures judgment) correlate with an IQ score below that prescribed (by state or school district) for assignment. After selection of the group of children described above, review cumulative record folders of each and note race or ethnic group and whether any *objective* standards for assignment (eg. individual IQ test score) are revealed.

POINT THREE

The local school district is employing a different standard of effort as regards the evaluation and assignment of minority group children as compared with non-minority group children.

Review the cumulative records of all children currently assigned to EMR classes *or* currently enrolled and previously considered or currently being considered for assignment to EMR classes. Note (1) the number of evaluation instruments which have been utilized (eg. name, date and score of each test); (2) the number, nature and detail of any medical, psychological or educational evaluation or analysis which is included in the folder; (3) the number, nature and detail of post-assignment reviews or re-evaluations; and (4) the number, nature and detail of other types of background information which has been developed.

SUMMARY OF CO-ORDINATED APPROACH

a. Compare the ethnic population of EMR classes with the ethnic population of the school (or school district) as a whole.

Key.—Does the ethnic population of EMR classes, for any group, vary by 5% or more from the ethnic population of the school?

b. Clearly establish the standards (state imposed or locally imposed) by which the school district alleges it assigns children to EMR classes and differentiate between subjective and objective standards.

c. Review the cumulative record folders of all children:

(a) currently assigned to EMR classes

(b) currently enrolled and previously considered or currently being considered for assignment to EMR classes

(c) who have scores on group aptitude or achievement test which correllate with an IQ score consonant with the District's IQ score standard for assignment,

and in all cases, note:

(a) the ethnic group of the child

(b) whether or not each of the objective and subjective standards of assignment have been complied with or whether there is evidence that objective standards have been met but assignment has not been made.

(c) the standard of effort employed by the school district in the evaluation-assignment/non-assignment process.

Checklist for Collecting Data Related to the Use of Federal Funds to Provide Equal Educational Opportunity

1. (a) *For each person occupying the following positions in a school in which a Title I project is operated,* obtain name of person, source of salary, nature and extent of Title I services performed (if any):

Superintendent, Clerical Assistant, Consultant, Teachers, Custodian, Attendance Service Personnel, Counselor, Nurse, Librarian, any other person whose salary is classified under the 200 series in OE Handbook 22017 Financial Accounting for State and Local School Systems.

(b) *For teachers.*—Obtain specific information as to subjects taught; hours per subject (including overtime) other services rendered; relation of subjects taught and services rendered to Title I projects (if any); names of students receiving instruction or services in classes financed in part or whole by Title I.

2. Copies of any audit or evaluation related to the Title I project.

3. Obtain detailed expenditure information including specific items (title and number) purchased and names of students receiving benefits for the following items:

Textbooks; audio-visual equipment; general instructional supplies; guidance and testing supplies, equipment and services; instructional support supplies and services.

4. Obtain a list showing names of students identified as from low income housing, a description of method by which the Title I eligibility of student was determined, current grade level and school attended.

5. Obtain a breakdown by school of the concentration of low income children in the district.

6. Enrollment by grades for each school; average class size per grade; per school; per district.

7. Inquire as to the means by which the educational need of non-Title I children were analyzed regarding participation in the Title I program.

8. Obtain an accounting of Federal, State and local revenues available to the school districts and average per pupil instructional expenditure therein:

	1969-70 school year	1970-71 school year
(a) Dollars from Federal revenue sources		
(b) Dollars from State revenue resources		
(c) Dollars from local revenue sources		
(d) Dollars of average per pupil instructional expenditure[1]:		
(1) In the district, as a whole		
(2) In school or schools in which the proposed program would be operated		

[1] Average per pupil instructional expenditure in the school district or in school or schools thereof means the aggregate of current pupil service expenditures (as defined below, but otherwise without regard to the sources of funds from which such expenditures are made) divided by the aggregate number of children in average daily membership for the month of March 1970 in the case of the 1969-70 school year and for the 1st 2 weeks of the 1970-71 school year in the case of the 1970-71 school year to whom free public education is provided. "Current pupil service expenditures" means expenditures for instruction, attendance and health services, but not including expenditures for pupil transportation services, operation and maintenance of plans, fixed charges, community outlay and debt service expenditures to cover deficits for food services and student body activities, or any expenditures made from funds granted under titles I, II, and III of Elementary and Secondary Education Act of 1965, terms as set forth in the classification and definition accounts in the 200 series (instruction and 300-400 series (attendance and health services) OE Handbook—22017 on "Financial Accounting for Local and State School Systems."

9. Obtain a list (with amount received from each source) of State revenue sources from which the school district (1) received funds during the 1969–70 school year and, (2) has received or expects to receive funds for the 1970–71 school year.

Specific source	1969–70 school year (state amount)	1970–71 school year (state amount)

10. Ascertain the average daily membership of the school district and the school or schools in which the proposed program would be operated for (1) March 1970 and (2) for the first two weeks of the 1970–71 school year.

Average daily membership schools	Nonminority	Minority	Total

11. Inquire, and describe any program identical or similar to any program contained in the current Title I project application which has been operated by the district (in any school therein) during the preceding three years, including a description. How such programs were funded? Whether they are currently operating.

Program	Program description	School or schools in which operated	Source of financial support (general program and instructional cost)	Amount of expenditures for program and instructional costs	Dates of operation; current status

SPECIFIC QUESTIONS REGARDING EACH TITLE I PROJECT ACTIVITY

1. How were students selected for participation in the activity?
2. Was the activity open to all students in the target schools?
3. What are the names of the pupils receiving specific services?
4. What services did participating students receive that non-participants did not?
5. What were the total number of hours of instruction offered in X subject matter to students who participated in the Title I program?—To students who did not participate?
6. What is the relationship between needs of children and Title I program design/services.
7. What are names and hours spent of instructional and non-instruction personnel performing services directly related to activity.
8. What materials are used for Title I activity? What materials are used for non-participating children in the same activity area.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., February 26, 1970.

RE: ESEA Title I Program Guide No. 57.

MEMORANDUM TO CHIEF STATE SCHOOL OFFICERS

The Office of Education continues to receive a number of questions about the comparability requirements outlined in ESEA Title I Program Guides 44, 45, and 45A, especially the opening paragraph of Section 7.1 in Program Guide 44:

> The Title I program and the regular school program have been planned and budgeted to assure that Federal funds will supplement and not supplant State or local funds and that State and local funds will be used to provide services in the project areas that are comparable to the services provided in non-project areas.

In his letter of July 31, 1969, Associate Commissioner Lessinger made clear what is expected of the States with respect to assuring comparability of services provided from State and local funds in Title I schools and in non-Title I schools.

Despite these statements, reports of lack of comparability continue to come to our attention. It is necessary, therefore, to clarify further the requirements for assurance of comparability. This communication revises previous program guides, and will serve as the basis for evaluating all Title I applications for the 1970–71 school year.

WHAT COMPARABILITY MEANS

Title I funds must not be used to supplant State and local funds which are already being expended in the project areas or which would be expended in those areas if the services in those areas were comparable to those for non-project areas. Within a district instructional and auxiliary services and current pupil instructional expenditures provided with State and local funds [1] for children in project areas must be comparable to those services and expenditures provided for children in non-project areas. These services and expenditures must be provided to all attendance areas and to all children without discrimination. Services that are already available or that will be made available to children in the nonproject areas must be provided on at least an equal basis in the project areas with State and local funds rather than with Title I funds.

ASSURANCES OF COMPARABILITY

The State educational agency shall require each local educational agency either (a) affirmatively to demonstrate to the State educational agency in the project application that a comparability of services and expenditures provided with State and local funds currently exists in the school district between project and non project areas, or (b) to submit a plan to achieve such comparability by the opening of school in the Fall of 1970. This responsibility includes the preparation and submission by the local educational agency (with the project application or before the project is approved) of factual information that fully supports assurances of current or forthcoming comparability in the application or in the plan.

CRITERIA FOR DEMONSTRATING COMPARABILITY

The State educational agency shall prescribe criteria by which local educational agencies are to demonstrate their adherence to the requirements of comparability, and shall submit these criteria to the Commissioner for approval by April 1, 1970. Where the data submitted by the local educational agency suggests a lack of comparability the State educational agency must require the local educational agency to submit a plan to overcome inequities in the basic programs provided in Title I schools and determine whether the plan submitted by an applicant is adequate to achieve comparability.

As noted above, the State educational agency is to decide upon whatever criteria it deems necessary to insure adherence to the requirements of comparability. However, the criteria so prescribed by the State educational agency shall, as a minimum, include Criterion A below, *and* either Criterion B *or* Criterion C below:

Criterion A (Includes two indicators)

As part of its criterion, the State educational agency shall require the submission by the local educational agency of information concerning both groups of comparability indicators outlined below.

1. Comparability of distribution of staff:

	Each school included in project application	Average nonproject area schools
(a) Pupil teacher ratio		
(b) Pupil nonteaching professional staff ratio		
(c) Pupil instructional non-professional staff ratio		

[1] For the purpose of this policy statement, funds provided under P.L. 874 will be considered the same as State and local funds in determining local expenditure.

In computing pupil/teacher, pupil/non-teaching professional staff and pupil/instructional non-professional staff ratios, the full-time equivalent of part-time personnel or personnel whose time is divided among at least two of the three ratio areas shall be entered in each respective area. In computing pupil/teacher, pupil/non-teaching professional staff and pupil/instructional non-professional staff ratios, if a person is paid in part with Federal funds and in part with State and local funds, only the full-time equivalent of the proportion of his time paid for with State and local funds shall be entered in each respective area.

For the purposes of this criterion, a "teacher" is a professional person employed to instruct pupils or students in a situation where the teacher and the pupils or students are in the presence of each other. Teachers who are assigned administrative and other non-teaching duties are not to be counted in computing the pupil/teacher ratio. Principals, librarians, guidance counselors, psychologists, social workers, etc., are to be considered as non-teaching professionals.

2. Comparability of specific service prior to addition of title I funds:

For services to be provided through a Title I project grant, the local educational agency shall certify that the specific Title I funded service does not simply match services already being provided in non-project schools. In so doing the local educational agency shall describe the services (of the type applied for) already provided by State and local funds in project and non-project schools. For example, if a local educational agency requests Title I funds to finance a food service program in a project area school, it shall provide comparative data on the provision of food services to that school and to non-project area schools before the addition of Title I funds to the project area school.

and

Criterion B (Includes one indicator):

The average per pupil instructional expenditure in each project area school is equal to or greater than the average per pupil instructional expenditure in non-project area schools.

"Average per pupil instructional expenditure" is defined as the aggregate of "current pupil instructional expenditures" (in turn defined as expenditures from State and local funds for salaries of principals, teachers, consultants or supervisors, other instructional staff, secretarial and clerical assistants; other salaries for instruction; expenditures for textbooks, materials and teaching supplies, school libraries, and audio-visual equipment, all as set forth in the 200 Series of Expenditure Accounts in *Financial Accounting for Local and State School Systems*—OE 22017) divided by the aggregate number of children in average daily membership in each school.

or

Criterion C (Includes one indicator):

COMPARABILITY OF TOTAL INSTRUCTIONAL PERSONNEL EXPENDITURE PER PUPIL

	Each school included in project application	Average nonproject area schools
Total instructional personnel expenditure per pupil		

The local educational agency shall provide data comparing the total instructional personnel expenditure per pupil in project area and non-project area schools. This figure should include the salary expenditures for teachers and non-teaching professionals; and should include non-professional staff serving in an instructional capacity. The salaries of part-time employees shall be included on the basis of their full-time equivalent and the State and local portion of salaries paid to persons who are paid in part with Federal funds and in part with State and local funds shall be included on the basis of their full-time equivalent.

Points of Clarification and Definition for Criterion A, Criterion B and Criterion C

1. "Project Area Schools" is defined as those schools within the school district participating in a Title I project. "Non-Project Area Schools" is defined as those schools within the district not eligible for Title I assistance.

2. Data submitted by the local educational agency to the State educational agency shall be based on information derived from the most recent school year for which complete data is available.

3. The State educational agency shall request the local educational agency to specify the standard accounting procedures employed.

4. Data shall reflect expenditures and services during the academic year (excluding summer session) and should be presented on the basis of schools servicing similar grade levels. Schools with 12-month Title I programs should be able to demonstrate equivalence to comparability for the regular school year.

5. The State educational agency may wish to consider in its criteria the differences between small and large schools within a district. In particular, the information requested under Criterion B or Criterion C may vary significantly from schools of 200 to schools of 500 to schools of 1000 students; if this is the case in a district, the State's criteria might reflect these differences.

6. To be eligible for Title I funding of summer sessions, the local educational agency must demonstrate that its project area schools were comparable to those in non-project areas during the previous school year.

7. The cost of determining comparability may be allowed as part of Title I administrative costs.

8. For the purposes of examination, the State agency shall require local educational agencies to submit comparability information on separate sheets attached to the main body of the application.

Mr. POTTINGER. Thank you.

The approach utilized in gathering and analyzing this data confirmed the results noted by the Civil Rights Commission in Report No. II as to the educational outcomes for Mexican American students. The Office for Civil Rights, following the same approach as the Commission, placed primary emphasis on data-measuring reading skills.

In 1964—the beginning of the performance period—the achievement levels (as measured against national norms) of the Mexican American children in Beeville were significantly lower than those of their Anglo peers. However, measuring the performance of all children in the district from the fall of 1964 through the spring of 1970, the analysis demonstrated that there had been a dramatic decline in the educational performance of the Mexican American students as compared to their own prior performance (an average of 29 percentile points). In addition, the study showed that over the same period, the educational performance of Anglo children improved substantially when compared to their own prior performance (an average of 19 percentile points). Thus, not only was the performance of the Mexican American children declining toward early dropout—a damaging trend in itself—but the trend was the opposite of that experienced by Anglo children.

The results of this analysis in Beeville have become a pattern for similar in-depth reviews of 11 other Texas districts by our Office. It should be noted, Mr. Chairman, that the Beeville school district is currently implementing a comprehensive educational program designed to remedy the compliance problems we have identified.

A program of proving that minority children are sometimes placed in classes for the mentally retarded on the basis of tests that are unfair because of language or cultural bias was developed by means of a review of permanent record folders of students assigned to classes for the educably mentally retarded (EMR). The tests utilized and the scores attained (particularly on the verbal IQ subtest) revealed a heavy bias in favor of the evaluation of English language skills of the children. The other major assignment criteria—teacher evaluation and achievement test results—were heavily oriented to educational performance in the language skill area (for example reading and ability to communicate ideas in English). Evidence of discrimination in the

assignment of children to EMR classes has also been developed with primary attention devoted to: (1) the discriminatory overinclusion of minority group students in such classes, (2) the discriminatory underinclusion of Anglo students, and (3) the use of a different standard of effort and thoroughness in the evaluation of minority students who are tested by the district.

In the development of an enforcement approach related to the memorandum's provisions concerning ability grouping, the Office recognized the need for distinguishing between educationally beneficial strategies for meeting the special needs of minority children in an ethnically isolated setting, and lock tracking and other permanently isolating procedures of little or no educational value to the children. Accordingly, the Office currently requires that a school district be able to show a comprehensive, educationally coherent rationale for any racially or ethnically isolated ability grouping or tracking scheme. The rationale must include a clear statement of success criteria (related to upward movement), a detailed analysis of the nature and extent of resources for the separation, and an outline of both the instructional methodology to be employed in each grouping and the evaluation program to be utilized by the district, I should say on a prompt and regular basis, to evaluate the success of the methodologies.

The Office is currently reviewing the responsibility of school districts to notify and involve national origin minority parents in school affairs and activities. Proof of noncompliance with this section of the memorandum has been developed by (1) reviewing the written records of the school district with regard to notification of parents (PTA meetings, truancy notices, school activity notices, etc.); (2) interviewing community and school district personnel to ascertain the effectiveness of communication at school meetings and other official school activities; and (3) surveying the home language of parents of students through home language data collection.

To date, the Office for Civil Rights has negotiated comprehensive educational plans with 12 Texas school districts found to be in noncompliance with the memorandum. Currently 28 districts in California, Arizona, Texas, Colorado, Michigan, Indiana, Kansas, New Jersey, New York, Massachusetts, New Mexico, South Carolina, and Wisconsin are under review for possible violations of the provisions of the memorandum. Of these districts now under review, seven involve significant numbers of Puerto Rican children, four involve significant numbers of native American children, two involve significant numbers of Asian children, and eight involve significant numbers of black children.

We intend to incorporate the investigative, analytical and remedial techniques successfully field tested in the Southwest in all elementary and secondary educational compliance activities. The principles set forth in the memorandum are, of course, applicable to educational practices which discriminate in like fashion against Puerto Rican, native American, Asian and black children.

We are currently holding a series of training programs for all of our regional education staff. Three major training efforts focusing on discrimination against Puerto Rican, native American, Asian, and black students will be held this fall.

In view of the rapid development of techniques for proving noncompliance, the Office for Civil Rights, with the aid of the Office of

Education, established an Intra-Departmental Advisory Committee to develop strategies for the rendering of program assistance to school districts found to be in noncompliance with the memorandum under title VI.

A group of 75 outstanding Mexican American, Puerto Rican, and native American educators, psychologists, and community leaders met in San Diego on April 28–30, 1971, to begin the identification of bilingual/bicultural program models for the Office of Education.

In the development of comprehensive educational models, it became apparent that at least the following component areas would be addressed by a plan likely to achieve success in equalizing educational opportunity:

(a) Curriculum design and content.
(b) Instructional methodology.
(c) Staff development.
(d) Parent and community involvement.
(e) Student assignment and classroom organization.
(f) Special education.
(g) Assessment and evaluation of the plan.

The committee had been operating for more than 4 months when on August 13, 1971, Judge William Wayne, Justice of U.S. District Court for the Eastern District of Texas entered an order pursuant to *United States* v. *Texas* requesting the Department of Health, Education and Welfare to develop and submit to the court by August 19, 1971, a comprehensive educational plan containing sufficient educational safeguards to insure that all students in the newly consolidated San Felipe Del Rio School District would be offered equal educational opportunities. The court specifically ordered that:

> Safeguards shall include, but shall not necessarily be limited to, bilingual and bicultural programs, faculty recruitment and training, and curriculum design and content.

An educational program team fielded by the Intra-Departmental Advisory Committee on Bicultural Education, and including Texas-based educational experts, visited the consolidated district from August 14–17, 1971.

On August 22, 1971, a comprehensive educational plan, prepared by the Intra-Departmental Advisory Committee, was submitted to the court by the Department of Justice. The plan was supported by San Felipe School District representatives.

The plan outlined the educational needs and disparities existing in the school district and then set forth a comprehensive educational framework for creating a high quality, culturally and linquistically fair educational environment.

On September 2, 1971, an order of the court incorporating the entire plan submitted by the department was issued. I should add, San Felipe was prior to this time a separate school district from the Del Rio School District. An appeal from the order was taken by Del Rio school officials to the Fifth Circuit Court of Appeals. However, HEW and Justice Department officials were able to successfully negotiate a final plan with the appellants.

Again, Mr. Chairman, with your permission, I should like to offer for the record an outline of the specific components of the bilingual/bicultural model developed by the committee.

Mr. EDWARDS. Without objection, it will be inserted in the record at this point.

(The document referred to follows):

MODEL(S) DEVELOPED BY INTRA-DEPARTMENTAL ADVISORY COMMITTEE

Specific Components of the model(s) as currently developed include:

(1) EARLY CHILDHOOD EDUCATION PROGRAM

The program focuses on the development of basic cognitive skills as well as the development of bilingual capabilities in 3, 4, and 5 year old children. The program should:

(a) provide instruction in the language system of the child as one or more additional language systems are developed;

(b) provide for teaching methodology reflective of the child's learning style, including his: (1) preferred mode of communication, (2) preferred mode of relating, and (3) motivational style;

(c) provide for the systematic development of basic cognitive skills including (1) problem solving, (2) auditory discrimination, (3) sensory-motor, (4) language development, and (5) perceptual;

(d) provide for a process-oriented curriculum;

(e) provide for the development of autonomy and choice-making skills;

(f) provide for the reinforcement of the child's cultural heritage and ethnic identity;

(g) provide for small group and individualized instruction;

(h) provide for the utilization of community personnel reflective of the subject population in terms of ethnicity, economic status, and area of residence in paraprofessional roles;

(i) provide for meeting the non-instructional needs of the children including health, nutritional, and family services assistance.

(j) provide for comprehensive parental involvement at both the planning, implementation, and evaluation level of the program as well as at the instructional level as parent volunteers fully engaged in the learning-teaching process.

(2) BILINGUAL CURRICULUM AND INSTRUCTIONAL METHODOLOGY

The component involves a program of instruction in each of the district's elementary schools, at all grade levels, that would reflect a bilingual/bicultural approach to small group instructional methodology.

Such an approach would require the use of both English and Spanish as languages of instruction for all children, with the concurrent development of the primary and secondary language skills of all children, so that reading and writing are introduced in the child's primary language at the same time initial language development is begun in the second language. The ultimate goal of such an approach is to create a learning situation in which each child should be able to use both languages interchangeably as modes of learning and communicating.

The success of the above described program of instruction depends upon the reflection of the cultural pluralism of the student population in the curricular materials, teaching styles and learning environment of the classroom. The learning and incentive-motivational styles of all students should be carefully and regularly evaluated, and teaching strategies developed, modified and expanded accordingly. Diagnostic testing and teacher observation should be utilized to identify individual learning profiles.

(3) STUDENT ASSIGNMENT AND CLASSROOM ORGANIZATION

Elements of this component include provisions that:

(a) Migrant students should be assigned to regular heterogenous classrooms. Provision for classroom spaces (to be reserved for migrant students) should be made at the beginning of the academic year, in order that migrant students be assured of placement in regular classrooms.

Special educational needs of migrant students may necessitate the instructional grouping of such students for a portion of the regular school day. Such grouping, however, need not and should not exceed one hour of the regular school day.

(b) Classroom and other instructional environments should be heterogeneous in terms of race, ethnicity and socio-cultural background so as to assure that the process by which each child can draw from a pool of experience, ideas, and values, in order to contribute in interaction with other children not stifled by a homogensity of educational environment in which cultural superiority or inferiority, rather than cultural diversity, is perceived. Classrooms should be reorganized so as to execute small instructional groupings to meet the individual educational needs of the students.

(4) STAFF DEVELOPMENT

Elements of this component include:

(a) Initiation of a Special Career Development Program. This program will provide and support the identification, multiple-level entry and placement of Mexican-American and other minority group members into all levels of the school system (i.e. administrative, supervisory, pupil personnel services, guidance and counseling, teaching, and other supportive staff).

To insure effective implementation of this component, the Multi-Ethnic Advisory Committee shall designate a three-person subcommittee from its membership to monitor this aspect of the plan.

(b) Initiation of a system-wide staff training program developed through joint staff and community effort which would include at least the following components:

(1) Cultural awareness training that would include School Board members, key community leaders, administrative staff, teaching personnel, counseling and guidance personnel, and parents;

(2) Bicultural curriculum development;

(3) Pupil diagnosis, prescriptive teaching, and behavior modification strategies;

(4) Bilingual, oral language assessment, and ESL training;

(5) Team teaching and differentiated staffing;

(6) Tests and measurements techniques for measuring bicultural student performance.

(c) Immediate initiation of systematic and intensive efforts to recruit minority group staff at the professional, para-professional, and non-professional level.

Mr. POTTINGER. Thank you, Mr. Chairman.

I have recently urged all school districts with significant national origin minority group enrollments to reexamine their programs in light of the May 25 memorandum and to duplicate the model bilingual/bicultural plans implemented in certain school systems. I have also appointed a task group on implementation of the May 25 memorandum to define for us new areas requiring OCR's attention. A list of the task group members is offered for the record.

Mr. EDWARDS. Without objection, it will be inserted in the record at this point.

(The document referred to follows:)

TASK GROUP ON IMPLEMENTATION OF MAY 25 MEMORANDUM

Mr. Martin H. Gerry, Chairman, Assistant Director (Special Programs), Office for Civil Rights, Department of Health, Education, and Welfare.

Mr. Frank Negron, Director of Puerto Rican Studies, City University of New York, New York City.

Dr. Jose Cardenas, Superintendent of Schools, Edgewood Independent School District, San Antonio, Texas.

Dr. Uvaldo Palomares, Director, Human Development Training Institute, President, Institute for Personal Effectiveness for Children, San Diego, California.

Dr. Armando Rodriguez, Assistant Commissioner for Regional Office Coordination, Office of Education, Department of Health, Education, and Welfare.

Dr. John Aragon, Director/Consultant, The Technical Center of the University of New Mexico.

Mr. Philip Montez, Regional Director, Western Field Office, U.S. Commission on Civil Rights.

Dr. Manuel Ramiriz, Professor of Education, Director, Bicultural/Bilingual Project, University of California, Riverside.

Father Henry J. Casso, Education Director, Mexican-American Legal Defense and Education Fund, San Francisco, California.

Dr. Henry M. Ramiriz, Chairman, Cabinet Committee on Opportunity for the Spanish Speaking.

Dr. Edward De Avila, Director, Multilingual Assessment Project, Stockton, California.

Mr. Manuel Carrillo, Director, Office for Spanish Surnamed Americans, Office of Special Concerns, Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare.

Dr. Alfredo Castaneda, Chairman, Mexican-American Studies, Professor of Education, University of California, Riverside.

Dr. David Uslan, Director, Educational Systems Division, Computer Sciences Corporation, Falls Church, Virginia.

Dr. Simon Gonzales, Assistant to the Chancellor, University of California Los Angeles.

Dr. Jane Mercer, Associate Professor of Sociology, University of California, Los Angeles.

Dr. Albar Pena, Chief, Bilingual Education Program Branch, Bureau of Elementary and Secondary Education, Office of Education, Department of Health, Education, and Welfare.

Mr. Rudolph Munis, Education Program Specialist, Office of Education, Department of Health, Education, and Welfare.

Mr. Gilbert Herrera, Chief, Texas Branch, Rural Fields Operations Division, Office of Economic Opportunity, Dallas.

Mr. Gilbert Chavez, Director, Office for Spanish-Speaking American Affairs, Office of Education, Department of Health, Education, and Welfare.

Dr. Rene Cardenas, Bay Area Bilingual Education League, Berkeley Unified School District, Berkeley, California.

Mr. Donald K. Morales, Office of Regional Director, Region IX, San Francisco, California.

Mr. POTTINGER. Mr. Chairman, the President underscored the commitment of this administration to equal educational opportunity by incorporating in his proposed Equal Educational Opportunities Act of 1972, as a specifically defined action in denial of such opportunity:

* * * the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

This commitment will continue to be translated by the Office for Civil Rights into concrete enforcement action under the provisions of title VI.

I am confident that this compliance activity can provide the impetus for widespread change in improving the quality and delivery of educational services for all children.

Mr. Chairman, with your permission, I would also like to provide for the record excerpts from an earlier letter to Senator Mondale from the Secretary of Health, Education and Welfare, Elliot Richardson.

Mr. EDWARDS. Without objection, it will be included in the record.

(The document referred to follows:)

APPENDIX D

MAY 25, 1970.

MEMORANDUM

To: School Districts With More Than Five Percent National Origin-Minority Group Children.

From: J. Stanley Pottinger, Director, Office for Civil Rights.

Subject: Identification of Discrimination and Denial of Services on the Basis of National Origin.

Title VI of the Civil Rights Act of 1964, and the Departmental Regulation (45 CFR Part 80) promulgated thereunder, require that there be no discrimination on the basis of race, color or national origin in the operation of any federally assisted programs.

Title VI compliance reviews conducted in school districts with large Spanish surnamed student populations by the Office for Civil Rights have revealed a number of common practices which have the effect of denying equality of educational opportunity to Spanish surnamed pupils. Similar practices which have the effect of discrimination on the basis of national origin exist in other locations with respect to disadvantaged pupils from other national origin-minority groups, for example, Chinese or Portuguese.

The purpose of this memorandum is to clarify HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin-minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

(1) Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.

School districts should examine current practices which exist in their districts in order to assess compliance with the matters set forth in this memorandum. A school district which determines that compliance problems currently exist in that district should immediately communicate in writing with the Office for Civil Rights and indicate what steps are being taken to remedy the situation. Where compliance questions arise as to the sufficiency of programs designed to meet the language skill needs of national origin-minority group children already operating in a particular area, full information regarding such programs should be provided. In the area of special language assistance, the scope of the program and the process for identifying need and the extent to which the need is fulfilled should be set forth. School districts which receive this memorandum will be contacted shortly regarding the availability of technical assistance and will be provided with any additional information that may be needed to assist districts in achieving compliance with the law and equal educational opportunity for all children. Effective as of this date the aforementioned areas of concern will be regarded by regional Office for Civil Rights personnel as a part of their compliance responsibilities.

EXCERPT FROM LETTER WITH ENCLOSURES FROM ELLIOT L. RICHARDSON, SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE TO SENATOR WALTER F. MONDALE

The effects of ethnic isolation, rural and urban, on the educational development of Mexican, Puerto Rican and American Indian children are both severe and long term. Ethnic isolation often creates a homogeneity of educational environment in which a perception of cultural diversity, without an assumption of cultural superiority, cannot occur. Moreover, this homogeneity effectively precludes the interaction of children from different socio-economic and ethnic home environments. Every major report or research project dealing with the educational problems and needs of "disadvantaged" children has concluded that educational development (learning) is greatly hindered by a homogenous learning environment. Children learn more from each other than from any other resource of the educational environment. To create and perpetuate homogeneity is to greatly reduce the pool of experience, ideas and values from which children can draw and contribute in interaction with other children. In a heterogenous educational environment cultural diversity can be presented in an exciting interaction/

awareness/growth process which is education in its truest sense. This diversity can be presented and perceived as enriching the total human environment rather than as threatening to a particular cultural insularity.

Another important problem related to ethnic isolation relates to the effect of such isolation on educational motivation and psychological development of the isolated child. While the segregated Anglo child is equally deprived of a heterogeneity of educational environment which could lead to increased educational development, he is rarely confronted with a school environment which directly rejects his language and, less directly, but just as devastatingly, rejects the culture of his home environment: lifestyle, clothes, food, family relationships, physical appearance, etc. The Mexican-American, Puerto Rican and American Indian child is constantly isolated by an educationally sanctioned picture of American society which produces a consciousness of separation and then exclusion and then inferiority. Realizing his exclusion from the dominant Anglo society (as presented by the mass media, advertising, textbooks, etc.), the child perceives a rejection by the society of his home which he personalizes as a rejection of his parents; and finally, a rejection of himself. This shattering process of self concept destruction often leads to withdrawal from or hostility toward the educational system. Attitude or posturing toward the learning environment is the single most important factor in the process of educational development.

Finally, the maintenance of ethnic isolation creates for the Spanish-speaking or Indian language-speaking child the additional disavdantage of depriving him of the most important resource for English language skill development—regular interaction and communication with English-speaking children.

In summary, some of the most important needs of Mexican-American, Puerto Rican and American Indian children related to ethnic isolation are:

(1) The need for ethnic or cultural diversity in the educational environment: Heterogeneity

(2) The need for total institutional reposturing (including culturally sensitizing teachers, instructional materials and educational approaches) in order to incorporate, affirmatively recognize the value the cultural environment of ethnic minority children so that the development of positive self-concept can be accelerated: Bi-cultural approaches: with, as an important corollary:

(3) The need for language programs that introduce and develop English language skills without demeaning or otherwise deprecating the language of a child's home environment and thus without presenting English as a more valued language: bi-lingual component.

To meet the needs of ethnically isolated children described in numbers 2 & 3 above, participation of Anglo children in the Bi-Cultural/Bi-Lingual programs is essential.

Mr. EDWARDS. Would you like Mr. Hays to present his statement at this time?

Mr. POTTINGER. Yes.

TESTIMONY OF DICK W. HAYS, ASSISTANT COMMISSIONER FOR SPECIAL CONCERNS, U.S. OFFICE OF EDUCATION

Mr. HAYS. I am Dick Hays, Assistant Commissioner for Special Concerns for the Office of Education, and with me is Mr. Gilbert Chavez, Director of the Office for Spanish Speaking American Affairs. We appreciate the opportunity to be here today to share with you our perceptions of the educational problems facing Spanish-speaking Americans and to discuss with you some of the efforts the Office of Education is making to help them overcome these critical problems.

That the educational attainment of America's Spanish-speaking people has been severely hampered by linguistic, culturally related, and economic factors has been amply documented with statistics. Dropout rates, average level of educational attainment, scores obtained on standardized achievement and other tests of student performance all indicate that a greater effort is needed by the educational system to provide Spanish-speaking pupils with real equality of

educational opportunity. For example, while the median number of school years completed by Anglos is 12.2 years, the median number of school years completed by their counterparts of Spanish-speaking origin is 9.3 years. In the Southwest, 86 percent of the Anglo students graduate from high school, while only 60 percent of the Spanish-speaking students complete their high school education.

I need not belabor these statistics. The three published Civil Rights Commission reports on Mexican American education dramatically illustrate the problems faced by the Spanish speaking. The problems are great and the task of solving them is an urgent one. The responsible levels of government must work together to find solutions. This means a partnership between the local school districts and the State agencies to eliminate discrimination against national origin minority students. The Federal Government, through agencies such as OCR and OE, must find better ways for its programs to assist in this effort. I would like to turn to a brief discussion of the resources the Office of Education is directing toward ending the educational problems of the Spanish speaking.

Federal and State officials are working with local education agencies in several cooperative program efforts to improve the educational experience afforded Spanish-speaking pupils. In order to enable these children to succeed in the school environment, comprehensive efforts must address their special educational needs. Under title I of the Elementary and Secondary Education Act, which I might add is the largest single program in the Office of Education, compensatory education projects are designed and implemented by the local education agencies serving economically and educationally disadvantaged children. In fiscal year 1972 some $60 million was provided for title I, ESEA programs and projects directed toward an estimated 312,000 Spanish-speaking children throughout the United States. While our data concerning education programs for children of migratory agricultural workers is incomplete, we do know that Spanish-speaking children constitute a very significant portion of the target population being served by the $64.8 million in funds that went to this title I activity in fiscal year 1971.

Language difficulties are one of the most serious educational handicaps experienced by Spanish-speaking children. To help them, as well as all non-English-speaking children, develop their full potential for learning, a program based on the concept of bilingualism was established in OE. The amount budgeted for bilingual education grants under title VII, ESEA, has increased from $25 million in fiscal 1971 and $35 million in fiscal 1972, to $41 million requested in fiscal 1973. More than 80 percent of the $35 million in fiscal year 1972 funds went for the support of projects for the Spanish speaking.

In kindergarten and the early primary grades, additional support is provided many Spanish-speaking youngsters to help them "follow through" on their potential for intellectual and physical growth. The Follow Through program allocated an estimated $7.5 million in fiscal year 1971 to meet the needs of young Spanish-speaking children. Besides academic help, the Follow Through participants received important health and nutrition services.

Early in the process of aiding the disadvantaged student, it became widely recognized that reading ability was central to almost all achievement in school. The right to read program was established

to coordinate OE's attack on illiteracy. Right to read, with emphasis on the best possible means of providing reading assistance to educationally and economically disadvantaged students, reaches people across the Nation, many of whom are Spanish speaking.

The bilingual, Follow Through, right to read, and similar programs were not conceived and designed to bring massive Federal operational assistance to bear on the respective target problems. Instead, the techniques and solutions demonstrated by these programs must be adopted and multiplied on the State and local levels.

USOE's efforts to combat the educational problems faced by Spanish-speaking students are not restricted to the elementary and secondary school levels. In fiscal year 1971, the Spanish speaking accounted for approximately 23 percent of the people reached by projects funded by the States under the adult education program. A total of more than $10 million was involved in these projects. An additional $1.3 million was allocated for activities related to the Spanish speaking under the special projects and teacher training sections of the adult education program.

In the area of higher education, one of the most significant of OE's activities on behalf of the Spanish speaking occurs in the area of student financial aid. About 105,000 (2 percent) of the Nation's college students are Spanish surnamed; over 90,000 of them are estimated to be benefiting from Federal student assistance. Approximately $28 million was allocated to these students through national defense student loans, educational opportunity grants, and college-work study programs. In addition, approximately $31 million was generated to assist Spanish-speaking students by the guaranteed student loan program.

The Civil Rights Commission has documented that the holding power of the educational system at all levels is poorer for minority than for majority students. The recruitment, preparation and retention of minority students in higher education is the specific task of three OE programs. Some $3.3 million was allocated to serve the Spanish-speaking in fiscal year 1971 through OE's "TRIO" programs—Talent Search, Special Services, and Upward Bound. These programs have the specific legislative mandate to assist economically and educationally disadvantaged students to aspire to, enter, and/or complete post-secondary education. An estimated total of 20,264 Spanish-speaking students participated in these programs in fiscal year 1971.

In responding to problems on the other end of the educational spectrum, OE is funding a national television series for Spanish-speaking preschool children to improve their self-image and to develop basic academic skills and problem-solving activities. I might add that the recently passed education amendments of 1972, include a provision that will set aside 4 percent of the emergency school assistance funds for bilingual education programs.

In addition to reviewing with you these encouraging program efforts, Mr. Chairman, I would also like to mention the activities of the Office of Spanish-Speaking American Affairs, under the directorship of Mr. Gilbert Chavez.

USOE's Office of Special Concerns consists of six units, one of which is the Office of Spanish-Speaking American Affairs. This unit was established in July 1967 to enable the Office of Education to develop, coordinate, and implement policies and programs relative to the needs

of Spanish-speaking Americans. Members of this unit work to assure that the interest of the Spanish-speaking are represented in policy-making councils; they function as advocates for them in the review of program and project proposals; they serve as OE's door to communication with the Spanish-speaking community. This unit strives to inform the Spanish-speaking of opportunities available to them through OE programs and provides them with the technical assistance needed to apply for and manage project grants. In summary, OSSAA is well aware of the problem outlined by the Civil Rights Commission and operates on behalf of the Spanish-speaking to make OE programs and policies more conducive to their solution.

Mr. Chairman, I have tried to give you a brief orientation to OE's concerns and activities relating to the education of the Spanish-speaking. I hope this presentation will be of value to your committee in its deliberations. We will be glad to address any questions you might have have at this time.

Mr. EDWARDS. Thank you, Mr. Pottinger and Mr. Hays for your statements, and I am pleased that you share the sense of urgency that this subcommittee feels with regard to the lack of educational advantages for the Spanish-speaking in our country.

It is not a situation that is showing any statistical improvement insofar as evidence presented to this subcommittee.

For example, you don't see any great improvement, either, Mr. Pottinger or Mr. Hays?

Mr. POTTINGER. On a national basis, no, I do not. In the areas where we have had our resources make an impact, we have seen improvement, but unfortunately, they are not nationwide.

Mr. EDWARDS. Let's talk about resources for a moment. One of the most promising programs is bilingual education, according to the report and testimony of the Civil Rights Commission. I believe that is generally accepted, and title VII of the Elementary and Secondary Amendments of 1967, did create the bilingual education program.

In 1971, only $10 million was requested by the President for bilingual education although $80 million was authorized by the Congress and $25 million was appropriated.

In 1972, the fiscal year just ending, $25 million was requested by the President, $100 million authorized by Congress, and $35 million appropriated.

And, now, this afternoon, I believe we have an appropriation bill before the House of Representatives, with $41 million to be appropriated for bilingual education, with Congressman Herman Badillo of New York offering an amendment to increase the amount. These title VII programs, bilingual education, reach only 1.9 percent of the Chicano students in the five states studied by the Civil Rights Commission. What is wrong with our programs? What is wrong with the funding, what is wrong with the commitment of the administration to asking for some decent amounts of money?

Mr. HAYS. Well, Mr. Chairman, I think this year we have asked for an additional and substantial amount more than we have in the past. I think the other consideration to keep in mind is that this was not intended to be a massive operational program. It was to be a demonstration effort working in conjunction with our other programs for the disadvantaged such as title I. Hopefully, through the new legislation coming to us, as such an interaction develops between the

bilingual program and the larger grant programs, I believe we will be better able to address the many needs, and touch more than 1.9 percent of the Spanish-speaking in the Southwest.

Mr. POTTINGER. Could I add another point, to answer another part of your question about the nature of the commitment of the administration.

It seems to me that one of the most important things we could establish would be that a special funding program does need to be increased and substantially, and I believe that is reflected both in the secretary's appeals and also with regard to the Emergency School Aid Act, with the specific set asides. But in addition to that, no special bilingual programs will ever do the job. What we have to do is to make each school district, with a substantial number of national origin minority students, understand that it is their duty to extend non-Federal funds on an equal basis. So long as school districts are of the opinion that they can use all of their other funds for their Anglo students and only serve national origin minority students by special Federal funding, we are never going to get to the root of the problem. What we have undertaken to do, in addition to seeking funds for school districts that have difficulties in this area, is not only to identify for them new programs where they might seek new funds, but to help them reorient their existing programs. The amount of waste and the lack of priorities are monumental.

In some cases, school districts refuse to do this because of their own willful disregard for the programs. In other cases we find school districts that have never had a model in front of them to understand what to do.

I think Beeville is a good example. When we had a program made up by people both inside and outside of the Government, go into Beeville and lay out to them how to use their funds, we found substantial progress could be made without the necessity of a hassle with the Government or Congress.

Mr. EDWARDS. Do you have any evidence, Mr. Pottinger, that these State and local education agencies are now proceeding with appropriate planning and programs for bilingual education?

Mr. POTTINGER. We have what I consider to be very clear and convincing evidence that they are certainly not doing that, both because of an insensitivity to the urgency of the problem and also, with that, a lack of technical knowledge in dealing with what is admittedly a very complex educational problem.

Mr. EDWARDS. But you intend to proceed with your urging to them to provide this type of educational program?

Mr. POTTINGER. Frankly, we think that under title VI of the Civil Rights Act, for them to fail to use all of the resources available on an equal basis is, in itself, discrimination under the Constitution and under title VI. Again, as a practical matter, if we don't take that route, we are not going to have an impact. As a legal and philosophical matter, it is important that the district recognize that it has an equal obligation to all of its children.

We do intend to pursue this and we hope the kind of models we are now developing will not have to be duplicated with the same kind of effort in each district, but might serve, we hope, to induce the other districts to see what needs to be done and allow us to make progress more promptly with the resources we have.

Mr. EDWARDS. Mr. Pottinger, back in May of 1970, according to your testimony, the Office of Education did issue a memorandum to all of the school districts with more than 5 percent national origin minority group students to tell them what their responsibilities are in providing equal opportunity education to these particular students. Now, more than 2 years since the issuance of this memorandum, HEW has completed compliance reviews in only 16 districts—is that what you said—and 27 more are under review. When you consider that there are 2,900 school districts in the southwest alone, it seems to me that the surface has barely been scratched.

(The memorandum referred to is at p. 39.)

Mr. POTTINGER. Yes. I think this is an excellent point to raise, and a very important one for us to both acknowledge where the deficiencies exist, what we are doing about them, and why they exist.

Incidentally, Mr. Chairman, the May 25 memorandum was issued by my office, the office for civil rights, not the office of education, so to the extent there is blame—or credit—on that, it goes to our office and not Commissioner Marland.

On the credit side, we appreciate the support we got from the office of education. The numbers are, to update the figures you have, as follows:

To: Bill Van den Toorn. MARCH 17, 1972.
From: Catherine Welsh.

The following pages provide a list of the elementary and secondary school districts in each Region which have been reviewed under the May 25, 1970 Memorandum and which:

(1) presently are under review
(2) scheduled to be reviewed
(3) notified by letter of non-compliance and have negotiated plan
(4) notified by letter of non-compliance and have *not* yet negotiated plans
(5) notified of non-compliance and will not negotiate or submit plans

Summary sheet, March 17, 1972

Number of districts presently under review	24
Number of districts scheduled to be reviewed during the 1971–72 school year	9
Number of districts notified of noncompliance and have negotiated plans	12
Number of districts notified of noncompliance and have not yet negotiated plans	1
Number of districts notified of noncompliance and will not negotiate or submit plans	3

REGION I: BOSTON

Districts presently under review

Boston Public Schools.

REGION II: NEW YORK

Districts presently under review

Hoboken, New Jersey.
Perth Amboy, New Jersey.
Buffalo, New York.

Districts scheduled to be reviewed

Passaic, New Jersey (no date set).

REGION III: PHILADELPHIA

Districts presently under review

None.

Districts scheduled to be reviewed

OCR 101 forms are being reviewed in order to select districts to review.

REGION IV: ATLANTA

Districts presently under review

Aiken, South Carolina (Blacks/special education).

Districts scheduled to be reviewed

None.

REGION V: CHICAGO

Districts presently under review

East Chicago, Indiana.
Saginaw, Michigan.
Shawano, Wisconsin (Native Americans).
Ulysses, Kansas.
Goodland, Kansas.
Garden City, Kansas.
Holcomb, Kansas.

Districts scheduled to be reviewed

Sites are being selected.

REGION VI: DALLAS

Districts presently under review

Victoria ISD., Texas.
El Paso ISD, Texas.
Santa Maria ISD, Texas.
South San Antonio ISD, Texas.
Hobbs, New Mexico.

Districts which received letters of noncompliance and have negotiated plans

Ozona ISD, Texas.
Bishop ISD, Texas.
Lockhart ISD, Texas.
Beeville ISD, Texas.
San Marcos ISD, Texas.
Weslaco ISD, Texas.
Los Fresnos ISD, Texas.
Sierra Blanca ISD, Texas.
Rotan ISD, Texas.
Pawnee ISD, Texas.
Fort Stockton ISD, Texas.
Carney Rural ISD, Texas.

Districts which received letters of noncompliance and have not negotiated plans yet

La Feria ISD, Texas.

Districts which received letters of noncompliance and will not negotiate or submit plans

Uvalde ISD, Texas.
Karnes City ISD, Texas.
Taft ISD, Texas.

Districts scheduled to be reviewed (before end of present school year)

Raymondville ISD, Texas.
Eagle Pass ISD, Texas.
San Benito ISD, Texas.
Socorro ISD, Texas.

REGION VIII: DENVER

Districts presently under review

None.

Districts scheduled to be reviewed

Fort Lupton, Colorado.

REGION IX: SAN FRANCISCO

Districts presently under review

Tempe, Arizona.
Tucson, Arizona.

Winslow, Arizona.
Pomona, California.
Delano, California.
Bakersfield, California.
Fresno, California.

Districts scheduled to be reviewed

San Bernadino, California (May).
Sweetwater Union, California (no date).

REGION X: SEATTLE

Districts presently under review

None.

Districts scheduled to be reviewed

Alaska State School System (preliminary in April-May).

Mr. POTTINGER. The number of districts presently under review is 28. Still scheduled to be reviewed are 10. The number of districts notified of noncompliance, which have negotiated plans, is 12. The number notified of noncompliance where plans have not yet come in is one. The number of districts notified of noncompliance, and which will not negotiate or submit plans—in other words, who have said we can go fly a kite in effect—is three.

Now, let me talk about these figures in light of the 2,900 school districts you mentioned in one part of the country. And we should add that the problem is even greater than that in your State, as the record indicates. In the State of California we have not yet made the kind of headway that we have in Texas. What are the reasons for that?

First, it seems to me that there has been a systematic neglect on the part of all agencies of the Government, and even in the private sector, until very recently. Just 24 months ago, in the Office for Civil Rights, almost all of our resources in the education area were devoted, of necessity, to the dismantling of the dual system, largely in the South. I believe that was a priority mandated by the law and the Nation's conscience. It did have a regrettable side effect however, and that was a lack of attention to the national origin portion of the population and their protection under title VI.

Second, you find that same pattern existing throughout the Government, including the Civil Rights Commission itself, and in the early days, including the Congress, so we in the Government have come upon an awareness today which must be galling to those who, for many years, suffered from this kind of discrimination.

Third, in view of the limited number of people and resources we had, and the need to continue efforts to deal with our priority of ending dual systems, what we did was to carve out a substantial part of our staff and address ourselves specifically to the issue of national origin discrimination.

Fourth, you mentioned that the memorandum was issued 2 years ago. That is correct. You mentioned, also, we have not had a substantial or profound nationwide impact—that is also correct. But I don't know that there is any more that could have been done than that which we are doing with vigor in our office. I mean, it has been necessary, before having an outside review capacity in these 2,900 districts or so, to develop the technical expertise necessary to do the job right.

A rough analogy that comes to my mind would be the development of a cure for cancer. It could be done in one place at one time, and once it is done successfully, can be reproduced massively.

We are learning from what we are doing, and in addition, we are teaching other people how to make an impact. I suspect and I hope this is not unduly optimistic—that we will find a kind of geometric progression in this program as we go from a small number of districts, and we and they develop the expertise to help the other districts, to make the kind of national impact we want to see.

Other than that, I cannot give you a more fair or complete explanation as to why the issuance of the memorandum has not, itself, cured the problem. I can say this in defense of its issuance, however. We are always caught on the horns of a dilemma. If we do make policy statements, almost invariably we find the issuance of a statement or policy position—or even a law such as the Civil Rights Act of 1964—does not have the immediate impact it is designed to have. In other words, we are not unique in this problem. We issued it, but we stand behind it, we are proud to have issued it, we do not believe the——

Mr. EDWARDS. How many people do you have working on this particular problem of compliance, Mr. Pottinger?

Mr. POTTINGER. I don't have the figures at hand.

Mrs. STUCK. We have assigned five in Dallas and I think it would go like that, five out of a staff of 12, and it would probably go like that across the country.

Mr. POTTINGER. I think, in the Dallas region, five out of 12 professional compliance officers in the education field are assigned to this problem and that this is a fair representation, if you use population parity as a rough indicator.

The same would be true in the western and New York regions. To be complete, I think I should supplement the record on this point, but I think that gives an indication.

(The information referred to follows:)

OCR PROFESSIONALS ASSIGNED TO TITLE VI NATIONAL ORIGIN GROUP PROBLEMS IN EDUCATION

There are currently 18 professional staff members who devote all or part of their time to Title VI compliance work in this area.

Mr. EDWARDS. I am sure you would like a lot more staff?

Mr. POTTINGER. Very definitely.

Mr. EDWARDS. And you have problems, do you, in getting an increased budget?

Mr. POTTINGER. The staggering problem is, within any reasonable bounds, if we asked for the kind of numbers we needed to have an onsite impact, within a 12-month fiscal year, the problems become less those—

In the first place, they become those of priorities in the budget scheme. Beyond that, we have found, to have the impact we need immediately, we probably could literally not train a thousand compliance officers in any year.

Mr. EDWARDS. Would you have to have compliance officers? Most of the information is from questionnaires; is it not?

Mr. POTTINGER. That is a primary tool, too. What we have done is use questionnaires. They must be a little more accurate than those used by the Civil Rights Commission. That is not to depreciate their

efforts, but to point out that we are a law enforcement agency, not an oversight or reporting agency. By that I mean that, whether we like the difficulties or not, we have to live within the Constitution, and that sets certain due process evidentiary standards that require us to have, when we make our case, a level of evidence that will support our case. What that means is, we must ask for and get, through questionnaires, through interviews, and onsite discussions with the school officials, a level of evidence and a specific case that may be generalized in the form of a conclusion by the Civil Rights Commission, but probably and accurately so, in terms of making a legal case, is not quite enough, unless you have concrete and specific information.

With regard to the question of our receiving additional staff, the Office for Civil Rights, in the last 3 years, has grown by greater percentages than ever in its history. We have more people, a greater budget. This is, across the board, not specifically designed only for this program. On a comparative basis, we have less to complain about than other agencies. But we still don't have enough people to do the job on an absolute basis.

Mr. EDWARDS. Well, the Spanish-speaking communities in five States in the Southwest are daily getting more restive, feeling they are being denied constitutionally guaranteed rights of education, and they can statistically prove it, the Civil Rights Commission can prove it. I can prove it in San Jose, Calif., where you can look in the phone book and see there are 1,600 lawyers and only two or three are Chicano, so they are underrepresented in the legal field, and underrepresented in the medical field, and all through all of the testimony we have had, and all through the statistics that are available to this committee, we find a consistent pattern of underrepresentation in the professions. In education, for example, of 4,600 school boards studied by the Civil Rights Commission in the southwestern States, only 10 percent had significant Chicano representation; 70 percent of the pupils in this large area were Mexican Americans.

Now, this underrepresentation of Chicanos in the educational process occurs throughout all of these school districts. In all of the school districts studied by the U.S. Civil Rights Commission, only 4 percent of the teachers were Mexican American, and yet these schools were predominantly Chicano. How do you reply to that?

Mr. POTTINGER. The process of representation through an elective democratic process or by appointment is not within the ambit of title VI or my office, but the obviousness of what you have pointed out rather vividly has not escaped our attention. We have given some thought to the problem despite the fact we don't have jurisdiction over it, and the conclusions we reached, in addition to those reached by the Office of General Counsel, were that unless there were a change of legislation or the Constitution in those particular areas where school districts elect their representatives to school boards, there is no way to assure a population parity of Chicanos on school boards, without altering the elective process. In those few States, perhaps you are aware of this, where school board members are appointed, not elected, in those cases, it might be possible to come to a conclusion that there is a denial of equal protection of the law under the 14th amendment if representation on school boards does not reflect in any way the composition of the population that is served by the boards. This is a matter that may be tested in the courts, would have to be, unless, of

course, the Congress were to legislate on the issue, or make suggestions and recommendations. All I can say is, we are completely in sympathy and agreement with the point you raised. The situation ought to be changed and I would be pleased, as the director, to do anything I can, consistent with my constitutional obligations, to help effect that change.

Mr. EDWARDS. I gather, from what you say, you believe brown children as well as black children, have constitutional rights to equal education under the 14th amendment; is that correct?

Mr. POTTINGER. I think that is beyond the pale of any question—absolutely.

Mr. EDWARDS. The approach of the Justice Department in the *Corpus Christi* case appears to reflect some doubt about that proposition.

Mr. HAYS. Excuse me. I wonder if I might comment in a different vein. I would like to talk about some of the positive affirmative actions we have taken to provide technical assistance to the Spanish-speaking educational leaders in the Southwest. Perhaps Mr. Chavez, who is the director of the Office for Spanish-Speaking American Affairs, can comment on that.

Mr. CHAVEZ. Thank you. In the last year, I have traveled throughout the United States. I, like yourself, have also been very concerned about the lack of representation on school boards. Only in the last year have I seen a great interest in this lack of representation on the part of the Mexican Americans.

Mr. EDWARDS. The problem of underrepresentation includes, probably your own organization—it includes all Government employment, especially Federal employment—the Spanish-speaking citizen has been cheated out of billions of dollars in wages, since World War II, as a result of not being proportionately or appropriately represented in the Federal employee range.

Mr. CHAVEZ. I wanted to emphasize that in the last 2 or 3 years, there has been more of a concern on the part of Government to direct more of its resources to Spanish-speaking citizens. I think particularly in the Southwest, I have seen more school board members who are working to change the employment patterns of school districts. In the Southwest I have seen the unconcerned attitude of some school districts toward the monolingual Spanish-speaking child. The bilingual program has certainly made an impact in these areas. With regard to what the USOE is trying to do, we have funded a group of educators in order to provide technical assistance to school districts, including sessions with prospective board members. At the same time this group of educators has been working with the USOE regional offices to insure that school districts and board members are aware of educational opportunities that exist in the regional office. Although the group originated in California, it has been expanded to include more Southwestern and Northwestern States.

In the last couple of years, more Mexican Americans and Puerto Ricans have gone to college than ever before, basically because of the availability of funds under the EOG program. The education amendments just passed will certainly provide additional assistance. These young people will come out of college and will have some effect on employment patterns in the United States. I hope that the amendments will also have a significant impact on those elementary and secondary schools which relate to Spanish-speaking people.

Mr. ZEIFMAN. Mr. Pottinger, with reference to the chairman's question concerning the 14th amendment, do you see any basis for a difference in the treatment of Mexican Americans under the 14th amendment and the treatment of blacks who have a history of involuntary servitude?

Mr. POTTINGER. I do not.

Mr. ZEIFMAN. Has your office issued any policy statements with respect to that consideration?

Mr. POTTINGER. The May 25 memorandum does deal with that issue. It makes clear, as the Supreme Court has made clear, both in the area of black-white relations and other civil rights cases, that our jurisdiction is limited to cases where we can show some official involvement in discrimination. That is probably the largest single constraint our program has, but we have addressed it in that memorandum to make clear that any official action which results in discrimination is a violation of the 14th amendment and title VI.

Mr. ZEIFMAN. What do you mean by official action in that context?

Mr. POTTINGER. Well, it means that where there is any affirmative, knowledgeable, willful action by school officials which results in a disparity that could be corrected under programs that the school district itself operates. Obviously, there will always be disparities in the learning levels of all children, but the effects should not be racially identifiable. If you have white children along certain achievement ranges, the same percentages ought to be found among minority children.

Mr. ZEIFMAN. Are you familiar with the *Corpus Christi* case?

Mr. POTTINGER. To some extent. I am not totally familiar with it. I was at the time it was in current litigation last fall; yes.

Mr. ZEIFMAN. In the *Corpus Christi* case, the defendant school board argued that the scope of the 14th amendment was not as broad with respect to Mexican Americans as it was with respect to blacks. The Justice Department has subsequently filed a brief with the appellant court, essentially supporting the position of the school board on a number of issues in that case. Without going into the question of the *Corpus Christi* case, which is before the courts, does your office see any need, in view of the fact that the official policy of the Justice Department in the *Corpus Christi* case could be construed in some quarters to sanction the notion that there is a distinction under the 14th amendment between blacks and Chicanos, under the circumstances, do you see any need to clarify the position of the Department of HEW in that regard?

Mr. POTTINGER. I haven't seen it to the extent that we have had that problem in our office. I certainly think that if it exists, that is, the misimpression on the extent of coverage of the 14th amendment, it very definitely ought to be corrected.

My understanding last fall of the Justice Department's position was not quite as you phrased it. It was not that the Justice Department said the 14th amendment equal protection did not apply in the same scope to all minorities, but it was a fact question of whether the State's involvement in discriminatory laws had existed historically. That is consistent with the *Swann* decision and also with the notion that the 14th amendment does apply equally, because you do have a difference of history with regard to State law segregating black citizens as

against no State law segregating brown students. However, in regard to the scope of the 14th amendment, I would very much think it is our obligation, in our department and elsewhere, to make clear that no such racial or ethnic distinction does exist, because, clearly, neither the concept of tle 14th amendment or the case law under it would support such a distinction.

Mr. ZEIFMAN. Have you compiled any ethnic data with respect to the employees of HEW? How many are Spanish speaking?

Mr. POTTINGER. No, our office has not done that. We are solely an enforcement agency. I think there is an office responsible for that. Perhaps Mr. Chavez can speak to that.

Mr. CHAVEZ. I think some information is available on that. Within the OE, there are basically, right now, 35 professionals. That is professional, from GS–9 to GS–15. There are 17 in the regional offices, which makes a total of about 52—52 professionals. There are eight secretaries, making a total of 60 within the OE. Within the department, there is a total of 1,200, which would include the 60 I have just named.

Mr. ZEIFMAN. How is the determination made? Who makes the determination that a particular employee falls within your count of 1,200?

Mr. CHAVEZ. These are statistics kept by the department.

Mr. ZEIFMAN. Who, in the department, makes the distinction that they fall in your statistical group?

Mr. CROSS. We would be glad to supply that for the record. We would have to consult the employment people.

Mr. ZEIFMAN. What are the standards in making such a determination?

Mr. CROSS. We will be glad to supply that.

(The information referred to follows:)

[Memorandum from the Department of Health, Education, and Welfare]

JUNE 26, 1972.

To: Judy Pitney, Special Ass't to the Deputy Ass't Secretary for Legislation (Education).
From: Stuart H. Clarke, Deputy Assistant Secretary for Personnel and Training.
Subject: Material Needed for Submission to Civil Rights Oversight Subcommittee.

Reference your June 19, 1972 memo on this subject, the following is submitted as requested:

(a) item 2: HEW classifies employees as Spanish-speaking based on the "supervisors identification" procedure; i.e., supervisors by looking at, and talking with employees, determine the appropriate minority category, if any, that the employee is to be assigned to.

(b) item 3: The number of Spanish-speaking employees in HEW as of May 30, 1972 is 1818. All Spanish-speaking employees carry the same designation thus we make no effort to differentiate between Mexican-Americans, Cubans and Puerto Ricans.

STUART H. CLARKE.

Mr. ZEIFMAN. Suppose a person is Chicano, a Mexican American, married to an Anglo American by the name of Smith, but is Spanish speaking?

Mr. CHAVEZ. We have a Kimbo in our department.

Mr. ZEIFMAN. Suppose the person's name is Cardoza, would you count that as Spanish speaking?

Mr. CROSS. I think we will have to just find out what the standards are.

Mr. EDWARDS. If you will yield a moment, Commissioner Reese testified last week, out of approximately 3,000 staff positions in the Department of Health, Education, and Welfare, only 50 are held by Spanish speaking people—further, that only one of the Spanish speaking personnel has direct funding authority for a program allocated on the basis other than a set formula and there is only one Chicano in a GS-16. Does that sound accurate to you?

Mr. POTTINGER. Do you know what standards Commissioner Ruiz used? In other words, the same question counsel has asked?

Mr. EDWARDS. I don't know.

Mr. POTTINGER. Perhaps, it would be helpful if we did not only give the basis for our count, but——

Mr. ZEIFMAN. What is the standard for conducting your compliance?

Mr. POTTINGER. There are two standards. In cases where students are of an age where they are able to distinguish national origin, the students choose. We don't believe it is the Federal Government's business to go in and look at people by name or by skin color or by other information, and make that determination unless there is no other means that can be used. In other words, the problems you have raised are solved when the person filling out the form, if you will, chooses for himself or herself, what ethnic origin he or she believes is appropriate.

In cases where students are not of an age at which they are asked to do that or could rightly be asked, we use a teacher count and the teacher determines for us, on a national school survey, her belief as to what the ethnic makeup of the class is. We believe, aside from the fact these are the only two methods we know of, we believe there is a high degree of accuracy.

Mr. ZEIFMAN. In conducting the ethnic count of the students, supervisors are requested to make a head count, so to speak. I also recall that when Mr. Ramirez testified before the subcommittee, he recommended a procedure similar to what you were using in your compliance reviews, Mr Pottinger. Don't you find something basically inconsistent with the notion that the procedure you are using in your compliance reviews is not the precedure which you are using internally in compiling your own ethnic data within the department?

Mr. POTTINGER. I am not sure it is because I don't know, frankly, what the department's methods are. I think we will have to furnish you with that information. If, on the other hand, the inconsistency should arise, that is, if there are basically different standards, I think we ought to look at it.

Mr. ZEIFMAN. With the 1,200 persons included in your count, can you provide us with any data, including the internal ethnic breakdown within that group, what percentage are Puerto Rican, what percentage are Cubans, what percentage are Latin Americans, etc?

Mr. CROSS. We will be glad to do so.

Mr. ZEIFMAN. Do you have any of that information available at this time?

Mr. CHAVEZ. We do for the office of education but not for the department.

Mr. ZEIFMAN. In terms of the bilingual programs, can you provide us with any data concerning the extent to which the Federal funds

going into bilingual education are being used for the training and education of Mexican Americans as distinct from Puerto Ricans, Cubans, and other types of groups?

Mr. CHAVEZ. Yes, we can.

Mr. HAYS. We will be happy to provide, for the record, the location of these and the participants being served.

Mr. EDWARDS. Without objection, we will include the data in the record as part of your testimony.

(The data referred to follows:)

FISCAL YEAR 1972 BUDGET ANALYSIS FOR ESEA TITLE VII

	Amount
Estimated obligation	$35,000,000
Estimated obligation for Spanish-surnamed Americans (86 percent)	30,100,000
Total amount funded by title VII in fiscal year 1972 to date for all bilingual projects	33,749,939
Total amount funded by title VII in fiscal year 1972 to date for all dominantly Spanish-speaking projects (83 percent)	28,057,030
Total amount funded by title VII in fiscal year 1972 to date for the Spanish speaking (81.4 percent) [1]	27,328,826
Total amount funded by title VII in fiscal year 1972 to date for:	
A. Mexican-Americans (56 percent) [1]	18,923,158
B. Puerto Ricans (23 percent) [1]	7,610,174
C. Cubans (2 percent) [1]	662,914
D. Other Spanish-speaking (0.4 percent) [1]	132,580

[1] This percentage may be substantially higher since this dollar estimate does not reflect those Spanish speakers which may be found in other title VII projects.

NOTE: The dollar figure is prorated on the basis of the number of Spanish-speaking students in predominantly Spanish-speaking title VII projects.

MEXICAN-AMERICAN PROJECTS—PROJECTS CURRENTLY BEING FUNDED UNDER ESEA TITLE VII WHICH SERVE THE SPANISH-SPEAKING

Local school district	Location	Ethnic group served	Fiscal year 1972 amount
Arizona:			
Nogales Elementary School District 1	Nogales	Mexican-American	$53,939
Wilson Elementary School District 7	Phoenix	do	36,473
Phoenix Union High School	do	do	40,610
Somerton School District	Somerton	do	42,405
Tucson Elementary School District 1	Tucson	do	76,929
Douglas Public School	Douglas	do	80,000
California:			
Bakersfield City School District	Bakersfield	do	90,000
Placer County Office of Education	Auburn	do	173,800
Do	do	do	80,600
Barstow Unified School District	Barstow	do	47,106
Berkeley Unified School District	Berkeley	do	541,248
Brentwood Union School District	Brentwood	do	61,750
Los Nietos Elementary School District (2)	Los Nietos	do	99,950
Marysville Joint Unified School District	Marysville	do	79,928
Jefferson Elementary School District	Daly City	do	46,248
Hayward Unified School District	Hayward	do	100,000
Oxnard Union High School District	Oxnard	do	100,000
Montebello Unified School District	Montebello	do	220,000
Orange Unified School District	Orange	do	84,790
El Rancho Unified School District	Pico Rivera	do	230,000
Pomona Unified School District	Pomona	do	119,000
Redwood City School District	Redwood	do	56,070
Office of the Riverside County Superintendent of Schools.	Riverside	do	552,749
Rowland Unified School District	Rowland Heights	do	120,940
Sacramento City Unified School District	Sacramento	do	220,108
St. Helena Unified School District	St. Helena	do	39,423
Salinas City School District	Salinas	do	120,000
Coachella Valley Joint Union High School District.	Coachella	do	69,650

See footnotes at end of table.

MEXICAN-AMERICAN PROJECTS—PROJECTS CURRENTLY BEING FUNDED UNDER ESEA TITLE VII WHICH SERVE THE SPANISH-SPEAKING

Local school district	Location	Ethnic group served	Fiscal year 1972 amount
Calexico Unified School District	Calexico	do	188, 298
Sweetwater Union High School District	Chula Vista	do	305, 785
Compton Unified School District	Compton	do	102, 401
Cucamonga School District	Cucamonga	do	96, 700
El Monte Elementary School	El Monte	do	48, 960
Mountain View School District	do	do	162, 204
Escondido Union School District	Escondido	do	88, 900
Fountain Valley School District	Fountain Valley	do	72, 540
Fresno County Department of Education	Fresno	do	189, 810
Fresno City Unified School District	do	do	222, 470
Gilroy Unified School District	Gilroy	do	59, 570
Gonzales Union High School District	Gonzales	do	67, 038
Healdsburg Union Elementary School District	Healdsburg	do	46, 105
King City Joint Union High School District	King City	do	38, 500
Hacienda La Puente Unified School District	La Puente	do	216, 000
Los Angeles City Unified School District	Los Angeles	do	525, 000
San Bernadino City Unified School District	San Bernadino	do	120, 000
San Bernadino County Superintendent of Schools Office.	do	do	520, 200
San Diego Unified School District	do	Special service project,[2] Mexican-American, Cuban, Portuguese, multiethnic Spanish-speaking.	591, 000
San Francisco Unified School District	San Francisco	Mexican-American	191, 781
San Ysidro School District	San Ysidro	do	120, 000
Sanger Unified School District	Sanger	do	120, 690
Santa Clara County Office of Education	Santa Clara	do	108, 400
Alum Rock Union Elementary School District	San Jose	do	155, 181
Santa Ana Unified School District	Santa Ana	do	328, 990
Santa Barbara County School District	Santa Barbara	do	186, 927
Santa Paula School District	Santa Paula	do	87, 658
Stockton Unified School District	Stockton	Special service project,[3] multiethnic Spanish, Mexican-American, Cuban, Puerto Rican.	342, 502
Ukiah Unified School District	Ukiah	Mexican-American,[4] Pomo	98, 449
New Haven Unified School District	Union City	Mexican-American	215, 000
Tulare County Department of Education	Visalia	do	29, 916
Pajaro Valley Unified School District	Watsonville	do	120, 000
Colorado:			
Colorado Springs Public Schools	Colorado Springs	do	40, 000
San Luis Valley Board of Cooperative	Alamosa	do	203, 000
Southwest Board of Cooperative Services	Cortez	Mexican-American,[5] Ute, Navajo	136, 000
Denver Public Schools	Denver	Mexican-American	49, 423
Arkansas Valley Board of Co-op Educational Services.	La Junta	do	177, 115
Weld County Reorganized School District 8	Fort Lupton	do	90, 000
WELD Board of Cooperative Services	LaSalle	do	180, 584
Florida: Dade County Public Schools	Miami	Special service projects,[6] multiethnic Spanish, Mexican-American, Puerto Rican.	796, 000
Idaho: Canyon Board School District	Caldwell	Mexican-American	100, 000
Illinois:			
Chicago City Board of Education (Kosciuszko) District 7 and 8.	Chicago	Multiethnic Spanish,[7] Mexican-American, Puerto Rican, Cuban	100, 000
Chicago Board of Education	do	do[9]	266, 929
Chicago Board of Education District 5	do	do[9]	125, 000
Chicago Board of Education District 7 (Jackson).	do	do[10]	100, 000
Indiana:			
School City of Gary	Gary	do[11]	122, 193
East Chicago Public Schools	East Chicago	do[12]	125, 000
Michigan:			
Lansing School District	Lansing	do[13]	120, 033
Detroit City School District	Detroit	do[14]	150, 000
New Mexico:			
Clovis Municipal Schools	Clovis	Mexican-American	80, 000
Albuquerque Public Schools	Albuquerque	do	217, 643
Artesia	Artesia	do	167, 500
Espanola Municipal Schools	Espanola	do	56, 805
Grants Municipal Schools	Grants	Mexican-American,[15] Keresan	69, 185
Las Cruces School District 2	Las Cruces	Mexican-American	125, 700
West Las Vegas schools	Las Vegas	do	173, 158
Santa Fe Public schools	Santa Fe	do	79, 429
Taos municipal schools	Taos	do	116, 205
Oregon: Woodburn School District 1030	Woodburn	Russian, Mexican[16]	139, 600

See footnotes at end of table.

MEXICAN-AMERICAIN PROJECTS—PROJECTS CURRENTLY BEING FUNDED UNDER ESEA TITLE VII WHICH SERVE THE SPANISH-SPEAKING

Local school district	Location	Ethnic group served	Fiscal year 1972 amount
Texas:			
Eagle Pass ISD	Eagle Pass	Mexican American	55,575
Abernathy ISD	Abernathy	do	78,102
Abilene ISD	Abilene	do	139,580
Alamo Heights ISD	San Antonio	do	120,351
Alice ISD	Alice	do	86,453
Region XIII Education Service Center	Austin	do	724,341
Bishop CISD	Bishop	do	88,880
Brownsville ISD	Brownsville	do	185,540
Colorado City ISD	Colorado City	do	69,534
Crystal City ISD	Crystal City	do	175,000
Corpus Christi ISD	Corpus Christi	do	97,367
Dallas ISD	Dallas	do	260,000
Del Valle ISD	Del Valle	do	93,320
Del Rio ISD	Del Rio	do	154,893
Edinburg CISD	San Antonio	do	122,749
Edgewood ISD	do	do	316,494
El Paso ISD	El Paso	do	145,950
Rio Grande City Cons. ISD	Rio Grande	do	90,000
Robstown ISD	Robstown	do	80,000
San Diego ISD	San Diego	do	79,315
Fort Worth ISD	Fort Worth	do	722,003
Galveston ISD	Galveston	do	53,281
Harlandale ISD	San Antonio	do	196,000
Houston ISD	Houston	do	239,620
Kingsville ISD	Kingsville	do	70,736
La Joya ISD	La Joya	do	118,800
Laredo ISD	Laredo	do	88,450
Laredo UCISD	do	do	118,550
Lubbock ISD	Lubbock	do	98,279
McAllen ISD	McAllen	do	109,419
Orange Grove ISD	Orange Grove	do	100,512
Pharr-San Juan-Alamo ISD	Pharr	do	189,802
Port Isabel ISD	Port Isabel	do	180,910
Edinburg	San Antonio	do	192,762
San Angelo ISD	San Angelo	do	136,000
San Antonio ISD	San Antonio	do	400,000
South San Antonio	do	do	117,400
Southside San Antonio	San Antonio (South)	do	98,971
Weslaco ISD	Weslaco	do	141,937
Zapata ISD	Zapata	do	115,000
Washington:			
Intermediate School District 104	Ephrata	do	130,071
Intermediate School District 105	Yakima	do	137,872
Wisconsin: Milwaukee Public Schools	Milwaukee	Multi-ethnic Spanish,[12] Mexican-American, Puerto Rican.	178,713

SPANISH SPEAKING ETHNIC BREAKDOWN

[1] 60 percent Mexican-American; 40 percent other.
[2] 40 percent Mexican-American; 20 percent Cuban; 20 percent Puerto Rican; 20 percent other.
[3] 40 percent Mexican-American; 20 percent Cuban; 20 percent Puerto Rican; 20 percent other.
[4] 50 percent Mexican-American; 50 percent other.
[5] 34 percent Mexican-American; 66 percent other.
[6] 75 percent Mexican-American; 25 percent Puerto Rican.
[7] 50 percent Mexican-American; 40 percent Puerto Rican; 10 percent Cuban.
[8] 50 percent Mexican-American; 40 percent Puerto Rican; 10 percent Cuban.
[9] 50 percent Mexican-American; 40 percent Puerto Rican; 10 percent Cuban.
[10] 50 percent Mexican-American; 40 percent Puerto Rican; 10 percent Cuban.
[11] 50 percent Mexican-American; 40 percent Puerto Rican; 10 percent Cuban.
[12] 50 percent Mexican-American; 40 percent Puerto Rican; 10 percent Cuban.
[13] 70 perdent Mexican-American; 30 percent Puerto Rican.
[14] 75 percent Mexican-American; 10 percent Cuban; 10 percent Puerto Rican; 5 percent other Spanish-speaking.
[15] 67 percent Mexican-American; 33 percent other.
[16] 34 percent Mexican-American; 66 percent other.
[17] 51 percent Mexican-American; 49 percent Puerto Rican.

PUERTO RICAN PROJECTS

PROJECTS CURRENTLY BEING FUNDED UNDER ESEA TITLE VII WHICH SERVE THE SPANISH SPEAKING

Local school district	Location	Ethnic group served	Fiscal year 1972 amount
Connecticut:			
Board of education	Bridgeport	Puerto Rican	$97,750
Hartford Board of Education	Hartford	do	195,000
New Haven Board of Education	New Haven	do	114,000
Massachusetts:			
Chelsea School Department	Chelsea	Multiethnic Spanish speaking [1]	80,000
Boston School Department	Boston	Multiethnic Spanish speaking [2]	81,806
Holyoke public schools	Holyoke	Puerto Rican	109,805
Lawrence public schools	Lawrence	do	100,456
Springfield public schools	Springfield	do	91,320
Michigan: School district of the city of Pontiac	Pontiac	Multiethnic Spanish speaking [3]	119,368
New Jersey:			
City of Lakewood school district	Lakewood	Puerto Rican	301,405
New Brunswick Board of Education	New Brunswick.	Multiethnic Spanish speaking [4]	90,000
City of Vineland school	Vineland	Puerto Rican	330,871
New York:			
New York City Board of Education, Brandeis High.	New York City	do	125,000
Beacon City school district	Beacon	do	80,000
Buffalo Board of Education	Buffalo	do	143,800
Community School District 2	New York	do	157,700
Community School District 3	do	do	293,250
Community School District 4	do	do	111,400
Community School District 5	do	do	100,000
Community School District 8	do	do	250,000
Community School District 9	Bronx	do	230,000
Community School District 12	do	do	180,000
Community School District 16	Brooklyn	do	125,000
Community School District 17	do	do	161,000
New York City Board of Education:			
Demo High School	New York City	Multiethnic Spanish speaking [5]	125,000
District 20	do	Puerto Rican	100,000
Auxiliary service	do	do	175,000
District 24	Queens	Multiethnic Spanish speaking [6]	100,000
City school district of the city of New York:			
District 1	New York	Puerto Rican	176,250
District 2	do	do	164,500
District 6	do	Multiethnic Spanish speaking [7]	143,750
District 7	do	Puerto Rican	242,000
District 10	do	do	111,222
District 13	do	do	190,000
District 14	do	do	150,000
New York City Board of Education	Brooklyn	do	367,215
City school board, District of Rochester	Rochester	do	250,000
North Rockland Central School District	Stony Point	do	178,300
Ohio: Lorain City schools	Lorain	Multiethnic Spanish speaking [8]	118,904
Pennsylvania:			
School District of Philadelphia	Philadelphia	Puerto Rican	536,600
West Chester Area School District	West Chester	do	75,078
Puerto Rico: Puerto Rico Department of Education	Hato Rey	do	88,000
Rhode Island: Pawtucket School Department	Pawtucket	Puerto Rican, [9] Portuguese, and English.	85,000
Virgin Islands: Department of education	St. Thomas	Puerto Rican	100,000

SPANISH SPEAKING ETHNIC BREAKDOWN

[1] 75 percent Puerto Rican; 5 percent Cuban; 20 percent other Spanish speaking.
[2] 90 percent Puerto Rican; 10 percent other Spanish speaking.
[3] 80 percent Puerto Rican; 19 percent Mexican-American; 1 percent other.
[4] 60 percent Puerto Rican; 1 percent other Spanish speaking; 39 percent Anglo.
[5] 50 percent Puerto Rican; 10 percent Cuban; 40 percent other Spanish speaking.
[6] 26 percent Puerto Rican; 24 percent Cuban; 50 percent other Spanish speaking.
[7] 60 percent Puerto Rican; 20 percent Cuban; 20 percent other.
[8] 95 percent Puerto Rican; 5 percent Mexican-American.
[9] 50 percent Puerto Rican; 50 percent other.

Mr. POTTINGER. May I also offer another document for your consideration? Secretary Richardson has spoken on more than one occasion of the need for affirmative action programs within the department to redress the kinds of ethnic and racial imbalances in employment that exist. Each department head was thereafter required to present his own program to implement it. We have done so in the

office of civil rights, and I would like to submit it to you because we believe it is as far reaching as any we know of in the Federal Government. This may be obviously self-serving, but we are proud of it and would like to submit it for the record.

Mr. EDWARDS. Without objection, the document will be received as part of the record.

(The document referred to follows:)

OFFICE FOR CIVIL RIGHTS

AFFIRMATIVE ACTION PROGRAM

I. General statement

OCR is firmly committed to affirmative action for minorities and women in all aspects of hiring, promotion, and upward mobility. We have a special obligation to establish a policy and program which can serve as a model to other agencies in the Department. OCR's Affirmative Action Program will receive the highest priority and attention from the Director and all personnel. This program in no way alters Civil Service Commission rules or any other regulations with regard to Equal Employment Opportunity, grievance rights, or Affirmative Action Guidelines already in effect; its purpose is to supplement such regulations and make them more effective.

II. Specific actions

1. This Affirmative Action Program will be effective December 30, 1971, and will remain in effect until further notice. Elections will be held prior to this date to choose two representatives (at least one of whom will be female) for each headquarters Division and Regional Office. Two representative will also be chosen to represent the combined staffs of headquarters Assistant Directors. These representatives will serve for one year at the end of which time new elections will be held. They will act as points of contact for implementation of this program and will receive and forward complaints and suggestions to appropirate supervisors for necessary action.

2. The Director, Division Chiefs, and Regional Civil Rights Directors will meet with elected representatives at least once every three months, or more frequently if necessary. Written reports of these meetings will be distributed to all employees outlining items discussed and actions taken. Complaints will be considered at any time.

3. All qualified OCR employees will be given priority consideration for any vacancy *before* outside recruitment is undertaken. OCR employees, upon their request, will be informed of the reason(s) for their non-selection to any vacancy for which they have applied. Age or physical disability will not be considered in recruitment or promotion actions.

4. All staff members supervising three or more employees will be required to attend appropriate supervisory training within the next year if they have not done so within the past three years. The Assistant Director (Management) is responsible for insuring that this is accomplished.

5. All employees have a right to know where vacancies are located, what the specific requirements for positions are, and, most importantly, to be given fair consideration for any available job. Vacancy announcements will be posted in prominent places throughout the Office (including the regions) with sufficient time (at least two weeks) for those interested to apply. In the future, employees can be assured that all vacancy announcements are legitimate (i.e., that a position is not being advertised solely to conform to merit promotion requirments; but that all applicants will receive fair consideration). In no instance will pre-selection for vacancies be permitted; selection for vacancies will occur only after all applications are reviewed. These provisions are basic to effective Affirmative Action and will be strictly adhered to by all personnel.

6. For purposes of fair evaluation, all supervisors will discuss work performance with individual employees at least two months in advance of the actual written evaluation date. Of course, this does not preclude the desirability of discussing performance on a regular and continuing basis. This will provide a fair chance for improvement in the event of possible shortcomings and can avoid misunderstandings with regard to performance ratings. All employees will be evaluated

annually and furnished a copy of their evaluation. Anyone not receiving an evaluation within the past year will be evaluated within the next two months. Anyone not receiving a copy of his last evaluation will be furnished with such a copy immediately. Supervisors will be evaluated on their performance in the equal employment opportunity area as well as other standard criteria.

7. OCR, in conjunction with the Office of the Secretary Personnel Office and individuals concerned, will establish and publish guidelines for secretarial grade levels. These guidelines, while necessarily flexible to accommodate different situations, will be based on the level and number of supervisors, workload and functional responsibilities of the organization and the supervisor, required qualifications of employees filling the position, and the actual duties of the job. The Assistant Director (Management) is responsible for coordination of the final product.

8. To insure uniformity and fairness for all employees in the determination of grade levels, the Classification Branch of OS Personnel will be auditing all position descriptions. Supervisors will be required to review and update duties and responsibilities of jobs in conjunction with individual employees. Any changes recommended will be discussed with those concerned before changes are made.

9. An Upward Mobility Coordinator will be recruited within the next three months and assigned full time to implement this Affirmative Action Program and the OCR Upward Mobility Program. The Coordinator will be responsible for the design and implementation of procedures for selection and training for upward mobility as well as for liaison between OCR personnel and the elected Affirmative Action representatives.

10. Division Directors, Regional Civil Rights Directors, and Assistant Directors will submit a statistical breakdown of their staff by grade level, race, and sex to the Assistant Director (Management) every six months. This report will also include anticipated recruitment and promotion plans by grade level, race, and sex for the next six months together with the rationale for arriving at these goals. The overall minimum office goal is for at least 50 percent of those recruited or promoted over the next year to be minorities or females. Progress reports on reaching this goal will be distributed to all employees. Initial goals for recruitment and upgrading of females and specific minority groups for each Regional Office and headquarters Division will be distributed by the Director after review of these required submissions.

11. To insure that our Affirmative Action goals are met, all promotions, transfers, or hirings at the GS–13 level and above will be reviewed by the Assistant Director (Management) and approved by the Director before any final commitments are made. Justifications accompanying requests for these actions will include an account of efforts to recruit minorities and females, background information on minorities and females considered, and a listing of all OCR employees in the Division or Region qualified for the position in question.

12. Greater use of the Civil Rights Assistant Series (GS–7, 8, 9, 10, and 11) is necessary to abolish as nearly as possible the existence of dead-end jobs. The Upward Mobility Coordinator will reassess the duties of personnel in lower grade jobs. This is necessary to permit the use of potential undeveloped or under-utilized skills, as well as provide the opportunity for progressing to higher grade levels. The development of para-professionals competent to assume the more routine duties of specialist positions now in existence is a high priority item of this program.

13. All employees will be informed of the Merit Promotion and Equal Opportunity Programs of the Department and the procedures contained in these programs for resolution of complaints. They will also be advised of the counseling services available through the Personnel and EEO Offices in the Office of the Secretary designed to provide advice and assistance by experts in these areas. The Upward Mobility Coordinator is responsible for insuring distribution of these materials.

14. This OCR Affirmative Action Program is subject to modification and improvement by the Director. Changes may also be made by suggestions of a majority of the elected representatives subject to approval by the Director. Additional comments and suggestions by all OCR employees are welcome. All employees will be kept informed of progress and modifications as they occur.

Approved:

J. STANLEY POTTINGER,
Director, Office for Civil Rights.

Date: *December 7, 1971.*

OCR AFFIRMATIVE ACTION PROGRAM

Action areas	Responsible official	Target date
1. Election of Affirmative Action representatives (sec. II; par. 1 of plan).	Regional Civil Rights Director, OCR division directors, OCR assistant directors.	Dec. 30, 1971.
2. Meetings with elected Affirmative Action representatives and distribution of report on items discussed and actions taken (II; 2).	Director division directors; regional directors.	Dec. 30, 1971, and quarterly thereafter.
3. Supervisory training for those supervising 3 or more employes (II; 4).	Assistant director (management)	By Dec. 15, 1972.
4. Discussion of work performance with individual employees (II; 6).	All OCR supervisors	At least 2 months in advance of evaluation date.
5. Establishment of guidelines for secretarial grade levels (II; 7).	OS personnel, Assistant director (manage nent).	By Dec. 15, 1972.
6. Audit of existing position descriptions (II; 8)	OS personnel, classification branch OCR supervisors.	Do.
7. Recruitment of Upward Mobility coordinator (II; 9)	Assistant director (management)	By Mar. 15, 1972
8. Coordination of Upward Mobility and Affirmative Action efforts (II; 9).	Upward Mobility coordinator	Continuing.
9. Statistical report of staff by grade level, race, and sex (II; 10).	Regional directors, division directors, assistant directors.	Jan. 1, 1972, and semiannually thereafter.
10. Recruitment and promotion goals and timetables by grade level, race, and sex (II; 10).	Regional directors, division directors, assistant directors.	Do.
11. Review and approval of all promotion, transfer, and hiring action GS–13 and above (II; 11).	Review by assistant director (management); aporoval by director.	Continuing.
12. Reassessment of clerical jobs to develop Civil Rights assistant positions (II; 12).	Upward Mobility coordinator	Do.
13. Dissemination of EEO, Merit Promotion, and related material to all staff (II; 13).	do	Jan. 1, 1972, and continuing.

OFFICE FOR CIVIL RIGHTS

	Sex		Racial ethnic group					
	Male	Female	Black	White	Spanish-surnamed	American Indian	Oriental	Total
Grade:								
18	1			1				1
17								
16	2	1	1	2				3
15	26	3	10	17	2			29
14	47	6	21	29	3			53
13	71	8	31	43	5			79
12	38	10	20	21	7			48
11	15	11	9	13	3		1	26
10	1	2		2	1			3
9	12	25	12	18	5	2		37
8		3		3				3
7	2	28	17	12			1	30
6		30	19	9	2			30
5		37	21	12	3	1		37
4	4	44	19	19	6	3	1	48
3	2	12	8	2	2	2		14
2		3	2	1				3
1	2	1	3					3

Mr. POTTINGER. The second point I would like to make, we believe very strongly that the need for a higher representation of minority groups served by all programs in HEW, not simply in the office for civil rights, is very acute, and could not agree more with the implication of your questions that this is needed. I would have no hestitation in agreeing with that. At the same time, I would like to say, on behalf of our staff, to the extent that it does not represent a population parity nationwide and even though our office happens to have a higher number of Chicano and blacks than most offices, to the extent we don't reflect a nationwide parity, I think it is fair to say persons of other backgrounds have a very strong committment to do what is right and lawful. The lack of a particular ethnic employment ratio

does not indicate necessarily a lack of commitment and effectiveness in our office, any more than I trust an absence of minorities reflects a lack of concern on the part of your committee or any other group.

Mr. EDWARDS. Mr. Jacobs?

Mr. JACOBS. No questions.

Mr. EDWARDS. Mr. Garrison.

Mr. GARRISON. When you speak of announced budgets for bilingual grants, do you generally mean the instruction of Spanish speaking students in Spanish or do you mean the instruction of both Anglo and Spanish speaking students in Spanish and English? Is the focus upon the Spanish speaking student or both?

Mr. HAYS. The purpose of that law is to aid children who have language difficulties getting into the mainstream of educational systems. We are focusing on those who are coming to school speaking a basic language other than English. We are trying to provide that transition for them to became part of the school system so, obviously, you are focusing on the Spanish speaking, those who come to school speaking Spanish and need a reasonable and rational transition period to enter into the mainstream of the educational activities.

Mr. CHAVEZ. The bilingual programs that exist throughout the country would not be in compliance with civil rights if they were segregated. They also want to make sure the Anglo and black students also become aware of the various cultures in that classroom. The child who speaks Spanish would learn from the others.

Mr. GARRISON. Do the local school districts resist bilingual programs because they impose a burden on them?

Mr. POTTINGER. Those who do not understand do resist on that ground. It is only by explaining why it is that a bilingual and bicultural program does not unfairly penalize or burden white Anglo children, that school districts begin to take the kind of acute interest that is necessary. I think, unfortunately, many school districts are of the opinion that a bilingual program would penalize Anglo students by neglecting their language and the facility to perform, and perhaps that is as high an indicator of the culpability of school districts as anything we see. As soon as you say, you would have a bilingual program, they assume that first, second, and third graders will be learning, from the day they walk into school, history, math, and other subjects, exclusively in a language other than English. For this reason, the white Anglo proprietors become very concerned and the response is, first of all, to point out that this is precisely what they are now doing with the English language, which is adversely affecting the ability of the Chicano students to learn. When you establish that as a point of intent, you can begin to demonstrate, in a very technical way, how it is possible to teach children English, how to teach the language in a way that will respect the rights and cultures of the Mexican American children, and why it is that what they have been doing in the past constitutes discrimination.

Mr. CHAVEZ. I think it is well to understand that within a bilingual program, a 6-hour day is not taught 100 percent in Spanish. Some of the people in the community sometimes don't really understand the bilingual program. It could be a half hour during a day, it could be 3 hours, it depends on the numbers of kids in the classroom and how it will be brought about.

Mr. POTTINGER. The difficulty with this is, and I don't mean to stress it, if you issue a report or a statement or a policy or the Civil Rights Commission report to all of the school districts in the country, and say "here is what the problem is, can't you see it?" without following up with the very difficult, arduous, onsite presence, to show them how to do it, to answer the kinds of questions you have just raised, you will only get a small amount of movement, certainly not enough to make a difference. Consequently, you don't get a resolution of the problem. We think it is a key to use the Civil Rights Commission report and all of the advocates of equal education we can find. But we have a responsibility, to go beyond that. Certainly people have been pointing out this problem for years, and nothing has happened. The only way it is going to happen, in my opinion, is when we take the road that is difficult, perhaps, but the only productive one, and get to the district, look at pupil achievement test scores, point out where the deficiencies exist, and design a specific plan for that district. I would like to add, since the chairman has been good enough to permit us to supplement the record with the Beeville file, that you will find progress between 1970 and 1971, in Beeville, under that specific plan.

Mr. Chairman, you spoke of the need for teachers, which probably is the most acute, initially. We have found the number of minority professional staff in Beeville has doubled, that is to say, of Mexican American professionals, has doubled between those 2 years, before and after the plan. The clerks doubled from one to two. The secretaries doubled. Bilingual aides went from three to 56 in 1 year. Teachers went from nine to 15. Bus drivers stayed the same. Cafeteria workers rose slightly and maintenance workers rose slightly. In the professional teachers area, there was an immediate impact. The beauty of that is not so much in putting it on paper and submitting it to you, but to go to Beeville and see the specific schools that we dealt with before, without any kind of plan, and see what is happening there now. We trust this will continue. This is not the end of the program.

Mr. GARRISON. Mr. Chavez suggested a moment ago that perhaps a bilingual program in which the Spanish-speaking students were segregated for purposes of instruction in Spanish may run afoul of the 14th amendment. I note in your memorandum for 1969 to 1970, point No. 3 does address itself to "Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children". Apparently, as a general statement, you approve of such tracking systems, if they are generally directed toward ultimate reintegration of the students without regard to ethnic origin. Has any school district actually undertaken to submit to you a bilingual education program which has been disapproved because of the segregating effect, either initally or on a long term basis?

Mr. POTTINGER. I think that it is fair to say that in the initial proposals, almost all of them, are either questioned or disapproved until it is very clear that what they are proposing is lawful. The old ability group patterns are difficult for school officials to break away from. I don't know whether any bilingual plan has been ultimately rejected, where we have been unable to show what they propose is inadequate.

Mrs. STUCK. Even during negotiations, if there is anything in the plan that is submitted that indicates that the practice will be continued, then we do not accept it. In some of the material I provided Mr. Pottinger, the Beeville district took 18 students out of their CVAE programs where many Mexican American children wound up. That is cooperative vocational academic program. In Bishop, Tex., they did away with the CVAE programs, because it appeared to be a dead end track for Mexican American children. Those are the two specific instances I can think of. In Beeville, there are 18 children that have been given the opportunity to transfer from that program into the regular academic program. Four are graduated; five are making passing grades; two dropped out of school; and three were having difficulty. Over 50 percent were successful, and we feel that that kind of program will have an effect in helping us negotiate with other districts, too.

Mr. GARRISON. Now, in the proposal you made for models that you show to local school districts, do you allow for the possibility of grouping students for purposes of instruction on the basis of English language schools, and then administering to them some objective test of competency in the English language, as a condition of their being removed from that program and put into the general school population? I am not talking about the cultural problem, the IQ test. I am not even talking about achievement in school subjects. I am only talking about allowing the school district to teach school students who have an English language deficiency separately until such time as those children pass certain objectively arrived at tests for English language proficiency.

Mr. POTTINGER. If I understand your question correctly, certainly in the early period, particularly in districts where there is no preschool childhood program, if a child came to the school district without any English speaking ability at all, and went into the first grade, obviously, that child would be in a class where the substance of his learning would be in Spanish, initially, but in addition, where the substantive knowledge does not need to be imparted, we would insist he not be kept in any Spanish-speaking group. An easy example would be playground or cafeteria time or study hall and the like, all recreation and the like. Certainly, there is no educational justification for any form of ability grouping in those areas. You begin to get into a gray area from here. So we are also saying, under point 1 of the memorandum, that the school district has an immediate responsibility from the day the child enters the school system to teach the English language and to do so, not in terms of English as a second language program which accounts for many of the very adverse things that Mexican-Americans and other Spanish-speaking children have been subjected to, but in a setting where a child is not forced to renounce or look derisively upon his culture, background, and language. Those things happen all at once in a good plan. As the child progresses, yes, he may, she may be tested, of course. There is no objection to standardized testing as such, but such testing should not be the measure for assignment of children to their classes. It can only be used as measurement of what the achievement level of a child at a given time is in the English language or Spanish language. However, to use an English standardized test, as the basis for assigning the child to a group, is both illegal and wrong from a policy viewpoint since such a test doesn't measure the child's

capability to learn. To remedy such practices, we require, in our plan, any child identified as having been assigned to any ability grouping classes on the basis of such standardized English tests, to be tested in his native tongue in order to determine his IQ and level of potential performance.

Mr. GARRISON. I take it that one of the principal deficiencies of the plans that local school boards tend to propose in the bilingual area, is an assumption that all of the school activities must be segregated if some of them are. It is simpler to say, "we will put the Spanish-speaking students in this school," but you are saying it is unnecessary they be segregated in all aspects of school life, even to correct language deficiencies.

Mr. POTTINGER. Absolutely, it is unnecessary. There is no question about that. There is no justification we have ever seen, or any educator has been able to show us, for a total, all-day segregation of any person on language or cultural grounds. Incidentally, you said, segregation to a school. We have been talking about segregation within schools. Segregation of schools by such testing is all the more so prohibited because of this point, not the less so.

Mr. GARRISON. Thank you.

Mr. EDWARDS. Speaking of the segregation of schools, I believe the testimony that we have to date indicates that there are approximately 2.3 million Spanish surnamed pupils in the United States, and that half of the Mexican American students in the Southwest attend segregated schools right now. Is that correct?

Mr. POTTINGER. I believe it is. I would have to confirm that from the national school survey. It is probably not far from the mark. By segregated, Mr. Chairman, I assume you mean in a school where their composition is all, or substantially all, of one race or ethnic origin?

Mr. EDWARDS. Predominately minority, yes.

Mr. POTTINGER. May I quickly supplement the point you just made from the national school survey: 2.3 million are Spanish surnamed, 33 percent of those children are in schools that are 80 to 100 percent minority enrollment. I underline minority because the survey does not, at that level, separate out black and Chicano kids. There may be both when I give you the 33 percent, so a full third of the Chicano children are in schools where 80 to 100 percent of the students are black or Chicano. Fewer than 2 percent are in all-minority schools. Still, the 80 to 100 percent is a substantial figure—44 percent of the Spanish-surname students are in majority white schools, that is to say, majority Anglo schools.

Mr. EDWARDS. Mr. Pottinger, last week, when Deputy Staff Director Louis Nunez of the Civil Rights Commission was here, he said, in his opinion, the failure of the New York City School system to use Federal funds to meet the needs of Spanish-speaking children was a violation of title VI of the 1964 Civil Rights Act, and urged the Department of Health, Education, and Welfare to initiate a title VI compliance review of New York City and its school system, where approximately 70 percent of the national mainland Puerto Ricans attend school. Have you received the recommendation from Mr. Nunez and have you in mind initiating a title VI review of the New York City system?

Mr. POTTINGER. To answer the first part of your question, we have received his request. In fact, I read it last night, in the form of his

testimony. In addition to that, we have received a similar request from a number of other sources, including Senator Javits. We believe, on our own motion, a review would probably be wise, without regard to complaints. Having said that, I should also say that we are, right now, in the process of evaluating the type and kind of review that ought to be undertaken. We do not have an answer for you here today, because the New York City school system is the largest system in the country by far. We estimate that on a man-hour basis a comprehensive review of the kind we do in other districts would require all of our education resources to be devoted to New York City for 2½ years. We can't do that. So what we are doing now, is designing a kind of model review to allow us, on the basis of a computer program and on the basis of statistical data that exists, to determine how we can target a review which won't take that amount of time and remove our resources from other important areas of our education program. That is where we are today, and we expect to have a conclusion drawn on that soon. It is actively under consideration now by the assistant director for special programs and the education division chief, and I hope, within the next 60 days, we will have an answer.

Mr. EDWARDS. Out of the testimony today, I have reached the understanding that these bilingual education programs are advantageous and although in insufficient quantities, as a matter of fact, almost insignificant quantity, that they are the leading hope for the future. Would you say that is correct?

Mr. POTTINGER. I would agree completely.

Mr. HAYS. Particularly when we find the real commitment at the local level to take that program and recognize the needs in their own localities and address it to their particular needs.

Mr. EDWARDS. Their own money?

Mr. HAYS. I think, after a while, they are going to have to use their own money.

Mr. EDWARDS. How much more expensive would it be for a school district to maintain an adequate bilingual program as opposed to what they are doing now?

Mr. POTTINGER. I don't think we have an answer. We might be able to generate, on the basis of the reviews, some mean or average figures, but I don't have an answer at this time. I would like to say—a point I think I made on the record a while ago—while we are trying to point out the ultimate need to convert and adapt the resources of the State and local level, I am not thereby objecting to Federal increases for bilingual programs.

Mr. EDWARDS. I am sure you would like to see a hundred million or so like this committee would.

Mr. POTTINGER. From my perspective, I think it would be a great help.

Mr. CROSS. One guess—I think, in New Mexico, Chicano or Spanish-speaking people represent a majority of the population.

Mr. JACOBS. I would like to ask a question. I was wondering if you could say, for the record, what percentage of school districts in the United States, which obtained a significant number of other tongues, have comprehensive preschool programs and how do you define the term," comprehensive," in your answer?

Mr. POTTINGER. I don't know how many. I think we could generate the figures necessary to give some ball park figure on that.

(The figures referred to follow:)

PRELIMINARY FIGURES TAKEN FROM 1970 CENSUS AS REPORTED IN GENERAL SOCIAL AND ECONOMIC CONDITIONS, U.S. SUMMARY

	Public	Parochial	Other private	Total
Children enrolled in school 3 yrs. old and over of Spanish heritage				3, 167, 719
Children under 5 of Spanish heritage				1, 164, 924
Children enrolled in nursery school of Spanish heritage	27, 482	2, 659	20, 906	51, 047
Children enrolled in kindergarten of Spanish heritage	163, 941	9, 528	15, 143	188, 612

Mr. POTTINGER. Regarding the second part of your question, we are requiring, as a part of our May 25 memorandum, that preschool comprehensive programs are extended, at least in those cases where the school districts have a preschool program. Our jurisdiction is over matters of discrimination and that implies that people are treated differently. Existing programs must be extended to all people. If you have a school district that has a preschool program, and I guess virtually all of them do, that gives us the jurisdiction and capability of making it clear it must be a comprehensive program, must be extended to Mexican American children, too.

Mr. JACOBS. Lets try this out. A blind student might be treated equally, might he not, simply by the issuance of a seeing eye dog. I am sure that you would not allege that the dog should then be available to others not blind. I am thinking in terms of the special education need for a child who speaks English but finds himself a German citizen. I understand the bilingual idea means equal opportunity. I might say, Mr. Chairman, the program alluded to a moment ago, which cost $42 million is sort of a bilingual program. I am persuaded that an effective preschool program, in terms of linguistics, whether those linguistics involve one other tongue or many other tongues, or whether they involve a single mother tongue, in the case of some citizens, as distinguished from others, that such a program cannot be effective unless it begins at birth, and it seems to me, and I am talking about, of course, neighborhood day care centers, that sort of thing, where hopefully mothers could participate along with others.

It seems to me, if we fail to get ourselves together as a people—that this area of preschool would be a very significant part of our history—if we fail to do it and that is exactly what they are doing in the Soviet Union. They had a problem, they made a national commitment and solved it, not after it was too late. When you are 6 years old, you are an old man in linguistics already, and there are studies to show if a child is taught to walk before he is taught to roller skate, he will have to unlearn a number of things, but if he is taught to do both at the same time, that he will be very skilled at both. It has to begin at the very beginning. I just wondered if I might say, I think your testimony has been refreshingly articulate and to the point, but I wonder how you feel about the proposition that in order to be effective linguistically, that a preschool bilingual system should really begin at birth and should be a national commitment?

Mr. POTTINGER. I would certain agree it should be for many of the reasons you said, and I am sure we could go on. But the fear of our office is that we not become focused solely on the issue of quantity, which has been the thrust of the testimony before this committee.

But in this area, perhaps more than or as much as any I know in the education field, the issue of how you go about implementing these

programs is every bit as critical as the financing of them. If I may give a personal opinion based on my work for 12 years as the Director of this office, and with experience with the Chicano community before that, no single institution has more impact on little kids outside of the family than do teachers. Unless you have teachers that understand the issues, not simply the English language, but the cultural differences, you have tremendous problems. For example, take a typical Spanish-speaking first grader. He goes to school the first day and misses the bus that takes him to the school, and so he gets there late. He comes into the back of the room and is seated in his chair and the teacher says, "Juan, why are you late," which is not an unfair question. And he says, "the bus left without me," and she says, "wait a minute, all of the other children were there on time, the bus didn't leave without you; you missed the bus." Of course, Juan translates "El autobus me dejo," which literally would mean "The bus left without me." That is the way the language is written, so he is not blaming the bus, as the English-speaking teacher thinks. But literally translated, the teacher thinks he is trying to cop out. She brings him to the front of the class and she doesn't call him Juan, she calls him John, and he says again, translating into English at her request, "the bus left without me." Then she gets angry and says, "look me in the eye and tell me the truth." Now, in Juan's culture, looking a person of authority in the eye is a sign of contempt—he would never do that with his father and mother. She is saying to this little boy, "be forthright, be candid, be honest, don't lie," all of which is a contortion for this child.

You can go on with this kind of thing, so that finally, a shattering experience occurs for Juan the first day of school. Sadly, there are many ways you can find this occuring throughout the Spanish-speaking community. Gym teachers yell and shout at kids without controversy in our culture, but this is not regarded as the proper way to conduct one's self in the Spanish-speaking culture. The point of all of this is that unless you have, in addition to implementing directives from the Government, an understanding of what needs to be done, you might get more quickly than we are getting now a broad implementation of English-speaking programs, but I would hate to begin to measure the cost of this approach in terms of the cultural damage. Money and directives are not the sole answer, nor are good intentions.

If I could leave you with any single piece of thought in my testimony, in addition to the need for dollars, advocacy by Federal agencies and "guidelines," it would be the need for an increased concentration on the quality and understanding of what it is we are really trying to achieve. I have never run into anyone who has this issue at heart who doesn't want to achieve an objective which is truly bilingual.

Mr. JACOBS. You do come back to the experience of training such teachers?

Mr. POTTINGER. Very definitely.

Mr. JACOBS. Today's police officers who do not understand community relations can learn and acquire an entirely different attitude from the one they picked up from the night school of 1936. Doesn't that come back to the expense of developing such teaching staffs, too?

Mr. POTTINGER. I would agree. May we hear from Mrs. Stuck?

Mrs. STUCK. I am the regional director for the Office of Civil Rights in Dallas, and you may have missed some of the earlier testimony relative to Beeville, Tex., but it seems to fit what Mr. Pottinger has

said. We negotiated a comprehensive educational plan with that district last year an it has just completed its first full year. It includes early childhood education. At first the superintendent was reluctant to introduce any bilingual education for staff. They had a 2-day session of their own during the year, but we have just finished, in the last month, assisting them in making contact with the cultural awareness center at the University of New Mexico, and they are going to underwrite a program that will begin with their own funds a full 3-day session in August and then follow it up with consultant services throughout the year, and I think this indicates that the district, itself, through 1 year's experience, has developed an understanding of what is needed, and they have involved 56 parents and young people from the chicano community. Part of them are now attending Beeville County Junior College and the district is paying half of the hourly cost for each person. We feel this indicates if the district accepts the responsibility, the understanding will follow.

Mr. JACOBS. That is very comforting to hear that they are.

Mr. EDWARDS. I only have one last question. You really already answered it very beautifully, Mr. Pottinger. If you had your way, what one thing would you like to see the Federal Government do? What would be of the highest priority to help Spanish-speaking pupils achieve equal opportunity in our country?

Mr. POTTINGER. I guess, without translating this into a specific proposal in the sense it would be a blueprint, I would reiterate what I said a moment ago, that is, to have each of us who have the responsibility in this area, at the Federal level as well as the State and local level, to take the time and the effort to understand the point so that thereby we will join the issue of quality with the issue of quantity.

Mr. ZEIFMAN. Mr. Pottinger, have your views been sought by the Subcommittee on Civil Rights of the Domestic Council?

Mr. POTTINGER. I hope the record doesn't show the time I am taking to answer.

Mr. ZEIFMAN. To refresh your recollection, earlier the administration, the President, announced he was creating a Domestic Council, and in the Domestic Council a Subcommittee on Civil Rights was created, headed by Mr. Schultz.

Mr. POTTINGER. Yes, we have definitely been consulted by them. I am sorry I didn't recognize it in the first way you put it, which was a perfectly appropriate description, but I didn't. The answer to your question is, yes, we have been consulted by them on a number of topics and are in fairly regular direct contact with the Domestic Council on civil rights matters.

Mr. ZEIFMAN. Are you consulted separately with respect to Chicano problems; that is, with respect to Mexican American and other Spanish-speaking types of civil problems? Are they dealt with separately from the problems of blacks and other minorities?

Mr. POTTINGER. On occasion, yes, and on occasion, in a broader respect, the whole problem of education matters for minority students is discussed, and we deal with them on that point. The answer to your question is "Yes."

Mr. ZEIFMAN. Are there separate officials in the White House on the Domestic Council with different responsibilities in this area?

Mr. POTTINGER. I am sure there are, but I can't say that that has, to my knowledge, a substantial effect on how we address the questions

they pose to us. My communication with them is as Mr. Cross indicated a moment ago, to Secretary Richardson, who I report to directly and to my knowledge, there are a wide variety of people involved, including the staff of OMB and the Domestic Council itself, the Cabinet Committee on Education.

Mr. ZEIFMAN. Do you deal with and confer with Mr. Garment on Mexican American problems?

Mr. POTTINGER. I have, yes, on occasion. I think he has a very strong and earnest interest in the problems that have been brought to his attention or that he has identified.

Mr. ZEIFMAN. To what extent have you made any types of formal recommendations to either the Domestic Council or the Cabinet Committee?

Mr. POTTINGER. Well, I would have to look at the record. As I say, in a real sense as well as a formal sense, our recommendation goes through the Secretary of the Department so I would have to go back and look to see to what extent we have done so, and on what specific issues.

Mr. ZEIFMAN. Has the Cabinet Committee made any specific recommendations to either your office or Mr. Hays office that you are apparently implementing? I am talking, now, about the Cabinet Committee for Equal Opportunity for Spanish-Speaking People.

Mr. POTTINGER. That is still another agency I neglected to mention when I was trying to speak of—there is the Cabinet Committee——

Mr. ZEIFMAN. Dealing not with the Domestic Council but the Cabinet Committee on Equal Opportunities for the Spanish speaking, has the Cabinet Committee made any recommendations to the Office of Education or your office, which you are currently engaged in implementing?

Mr. POTTINGER. In this sense, yes. I have met with Mr. Ramirez and others on his staff to discuss our May 25 program and other matters roughly related to it. They have both advocated the solutions we have discussed with them, and given whatever level of support they have at their command. In that sense, I would say yes. With regard to any specific kind of directive, in a formal document, that identified a deficiency in our office in their view, the answer would be no. It is a more informal situation.

Mr. HAYS. I can't recall any specific direction either, but I guess there is so much direction from a lot of people, I don't have them completely sorted out. In terms of the informal attitude, both Mr. Chavez and myself maintain the same sort of communication.

Mr. EDWARDS. Thank you very much for a very valuable testimony and dialog. As I am sure you know, this subcommittee is not hostile; it is interested only in the enforcement of the law and the achievement of equal opportunity. We agree with you that we are not making satisfactory progress towards these goals. We want to make some great strides forward and, working with you, try to be of some help. We do appreciate your being here today and hope we can keep in communication with you. We are all working for the same goals.

(Whereupon, at 12:05 p.m., the proceedings were adjourned.)